



**THOMAS HARDY.**

THE  
TRIAL AT LARGE  
OF  
THOMAS HARDY,  
FOR  
*HIGH TREASON;*  
Before the SPECIAL COMMISSION,  
AT THE  
Session-House in the OLD-BAILEY:

BEGAN ON  
*Tuesday, October 28, and continued until Wednesday,  
November 5, 1794.*

With the Whole Proceedings of the ATTORNEY and  
SOLICITOR GENERAL on the Part of the Crown;

AND

Mr. ERSKINE and Mr. GIBBS for the Prisoner.

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BY JOHN NEWTON, Esq.

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*LONDON:*

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# TRIALS FOR TREASON.

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*Thursday October 2.*

THIS day the special commission for trying the persons committed to the tower, &c. charged with Treasonable Practices, was opened at the Sessions-House, Clerkenwell Green, before Lord Chief Justice Eyre, the Lord Chief Baron Hotham, Mr. Justice Buller, Mr. Justice Grose, and Mr. Justice Lawrence, the Commissioners therein named.

## GRAND JURY.

Benjamin Winthrop, Foreman,

John Snidey,	George Ward,
Edward Ironsides,	Thomas Boddam,
Benjamin Kenton,	Joseph Lancaster,
Robert H. Boddam,	Robert Wilkinson,
John Aris,	Thomas Cole,
W. H. Boddam,	George Galway Mills
John Perry,	Henry Wright,
John Hankey,	John Hatchet,
Samuel Cuff,	Robert Stephenson,
Thomas Winslowe,	John Campbell, and
Samuel Hawkins,	Thomas Everett, Esqrs.

After they had been sworn in, Lord chief Justice Eyre delivered the following charge :

“ Gentlemen of this Grand Inquest,

“ You are assembled under the authority of the King's Commission, which has been issued for the trial of the offences of High Treason and Misprision of Treason, against the person and authority of the King. The occasion for this Commission is, that which is declared, namely, that a traitorous and detestable Conspiracy has been forming for subver-

ing the existing Laws and Constitution ; and for producing the system of anarchy and confusion, which have so fatally prevailed in France. A crime of that deep malignity, loudly calls on the Justice of the nation, to interpose for the better preservation of his Majesty's sacred person, and for securing the peace, and the laws and liberties of this kingdom.

“ Gentlemen, the first and effective step in this, as in the ordinary criminal proceedings, is, that a Grand Jury of the county should make Inquisition after the fact, should diligently enquire, discover, and bring forward to the view of the Criminal Magistrate, those offences which it is the object of this Special Commission to hear and to determine.

“ Gentlemen, you are Jurors for our sovereign Lord the King. You are so styled in every indictment which is presented. But let the true nature of the service be understood. The King commands you to enter on this enquiry. But the royal authority in this, as in every other function, is exerted and operates ultimately for the benefit of his people. It is the King's object to vindicate his peace, his crown and dignity ; because his peace, his crown and dignity are his subjects protection, their security and their happiness. It is ultimately for them, that the laws have thrown extraordinary fences around the person and authority of the King ; and that attempts against the one or the other, are considered as the highest crime which can be committed, and are punished with a severity which nothing but the *Salus Populi* can justify.

“ The business of this day, Gentlemen, calls upon me, in order that you may the better understand the subject which is to come before you, to open to you the nature of that offence, which I have before spoken of generally. An ancient statute, 25th Edward III. hath declared and defined it. I shall state to you so much of that declaration and definition, as appears to me to have any probable relation to the business of this day. By that statute, it is declared high treason to compass or imagine the death of the King, provided such compassing and imagination be manifested by some act or acts, proved by two witnesses to have been done by the party accused, in prosecution of that compassing and imagination. That, from the moment that this wicked imagination of the heart is acted upon, that any steps are taken, in any manner conducive to the bringing about and effecting the design, the intention becomes the crime, and the measure of it is full.

“ Gentlemen, these acts or steps are technically denominated Overt Acts ; and the forms of proceeding, in cases of this nature, require that these overt acts should be particularly set forth in every indictment of treason ; and from the nature of them, they must constitute the principal heads of enquiry for the Grand Jury. These overt acts involve in them two distinct considerations ; first, the matter of fact, of which they

consist: In the next place, the relation of that fact to the design. With respect to the mere matter of fact, it will be for the Grand Jury to enquire into the true state of it, and I can have very little to offer to your consideration respecting it; and with respect to the question, whether the fact has a relation to the design, so as to constitute overt acts, on this which involves considerations both of law and of fact, it is impossible that any certain rule can be laid down for your direction. Overt acts being in their nature all the possible means which may be used in the prosecution of the end proposed, they can be no other way defined, and must remain for ever infinitely various. Thus far, however, I can inform you, that occasions have, unhappily, but too frequently brought overt acts of this species of high treason under consideration, in consequence of which we are furnished with judicial opinions upon many of them. And we are also furnished with opinions drawn from this source, by some of the wisest and most enlightened men of their time, whose integrity has been always considered as the most prominent feature in their character; whose doctrines now form great landmarks, by which posterity will be enabled to trace, with a great degree of certainty, the boundary line between high treason and offences of a lower order and degree. It is a fortunate circumstance that we are thus assisted, for it is not to be dissembled, though the crime of high treason be the greatest crime against faith, duty, and human society; and though the public is deeply interested in every prosecution of this kind, well founded, that there has been, in the best times, a considerable degree of jealousy on the subject of such prosecutions; and as the consequences to the party accused are penal in the extreme, jurors and judges ought to feel an extraordinary anxiety, that prosecutions of this nature should proceed on solid grounds. I can easily conceive, therefore, that it must be a great relief to Jurors, placed in the responsible situation in which you now stand, bound to do justice to their country, and the persons accused, and anxious to discharge this first duty, equally sure I am, that it is a consolation and comfort to us, who have the responsibility of declaring what the law is in cases in which the public and individuals are so deeply interested, to have such men as the great Sir Matthew Hale and Sir Michael Foster for our guides. To proceed by steps, from those writers who speak upon the authority of adjudged cases, we learn, that not only acts of immediate and direct attempt against the King's life, are overt acts of compassing his death; but that all the remoter steps, taken with a view to assist the bringing about the actual attempt, are equally overt acts of this species of high treason. Even the meeting and consulting what measures should be taken in order to bring about the end proposed, have been always held

to be acts done in prosecution of the design, and, as such overt acts of this treason. This is our first step in the present inquiry.

" I proceed to observe, that what I have been now speaking of, has reference nearer, or more remote, to a direct and immediate attempt upon the life of the King. But the same authority informs us, that they who aim directly at the life of the King, such, for instance, as the persons concerned in the assassination plot, in King William's time, are not the only persons who compass the death of the King. The taking those measures, which, in the nature of things, or in the common experience of mankind, do obviously tend to bring the life of the King into danger, is to compass and imagine his death; and the measures so taken, amount at once to evidence of overt acts. The instances, put by Sir Michael Foster and Sir Matthew Hale, are of a conspiracy to depose the King, to imprison him, to get his person into the power of the conspirators, to procure an invasion of the kingdom, and some others.

" The first of these appears to be the stronger case, and coming the nearest to a direct attempt against the life of the King; the last, the farthest removed from that direct attempt; but being a measure tending to destroy the public peace of the country, to introduce hostility, and the necessity of resisting force by force, and in its ultimate tendency, to bring the person even of the King into jeopardy, it is taken on the sound construction of <sup>25</sup> Edward III and by the clear law of the land, that this is also compassing and imagining the death of the King.

" Gentlemen, if a conspiracy, to depose or no imprison the King, to get his person into the power of the conspirators, or to procure an invasion of the kingdom, involves in it the compassing and imagining his death; and if steps, taken in prosecution of such conspiracy, are rightly overt acts of compassing and imagining the King's death, need I add, if it should appear that it has entered into the heart of any man, who is a subject of this kingdom, to design to overthrow the whole government of the country, to pull down, to subvert from its very foundation, the British Monarchy, that glorious fabric, which it has been the work of ages to erect, maintain, and support, which has been cemented by the best blood of our ancestors; to design such a horrible and cruel devastation, which no King could survive, which is a crime of such a nature, that no legislator of this country has ever ventured to contemplate in its full extent; need I add, I say that in a proposition of such enormous extent, the compassing and imagining the death of the King is involved, that it is in truth its very essence. This is too plain a case to require farther illustration from me. If any man of plain

sense, but not conversant with subjects of this nature, should feel himself disposed to ask, whether it is a specific treason to compass and imagine the death of the king, and not a specific treason to conspire to subvert the monarchy itself ; I answer the statute of Edward III. has not declared this, which undoubtedly is one of the greatest of all treasons, to be a specific High Treason. I said, no lawgiver hath ever ventured to contemplate it in its whole extent. The *Seditio Regni*, spoken of by some of our ancient writers, seems to come nearest to it, but falls very short of it. The constitution of our government is so framed, that the imperial crown of the realm is the common centre of the whole, that all traitorous attempts upon any part of it are instantly communicated to that center, and felt there ; and as upon every principle of public policy and justice, they are punishable as traitorous attempts against the king's person or authority, so according to the particular nature of the traitorous attempts made, they will come within one or other of the specific treasons against the king declared by 25 Edward III. This, greatest of all treasons, is sufficiently provided against by law.

" Gentlemen, I hardly need give you this caution in your enquiry, that it is expressly declared, by the highest authority, that there do exist in this country, men capable of meditating the destruction of the constitution under which they live. That declaration being extrajudicial, is not ground upon which you ought to proceed. In consequence of that declaration, it is become a public and indispensable duty of his majesty, to institute this solemn proceeding, and to impose on you the painful task of examining these accusations, which will be brought before you. But it will be your duty to examine them in a regular judicial course, that is, by hearing the evidence, and forming your own judgment upon it. And here I do not think it necessary to trouble you with observations on the other branches of the statute of the 25th of Edward III. The charge might conclude here, had not the particular nature of the conspiracy alledged to have been formed against the state been disclosed, and made matter of public notoriety by the reports of the two houses of parliament, which are now in every one's hands. That being the case, I apprehend it would not be thought I had fulfilled the duty which the judge owes to the grand jury, when questions, involving law, arise on new and extraordinary cases of fact, if I did not plainly and distinctly state to you what I conceived the law to be, or what doubts I considered might arise in law, upon that which is laid before you, according to the different points of view in which these facts may appear. It is a matter of public notoriety, that there have been Associations formed in this country, as well as in other parts of the kingdom, in order to ef-

fect a change in the constitution of the commons house of parliament, and to obtain annual parliaments ; and to some of these Associations, other purposes, hidden under the veil, purposes the most traitorous, have been imputed ; and that some of these associations have been supposed to have actually adopted measures of such a nature, and to have gone to such excesses, as will amount to the crime of high treason. That a parliamentary reform was a mere colour and pretext held out in order to cover deeper designs—designs against the whole constitution and government of the country. Whether it be so or not, is mere matter of fact. I shall only remind you, that a charge of this nature, which undertakes to make out the ostensible purpose a mere veil under which is concealed a traitorous conspiracy, requires full and deliberate examination, and the most attentive consideration ; and that the result should be perfectly clear and satisfactory. In the affairs of common life, no man imputes to another a design contrary to what he himself has expressed, but upon the fullest evidence. On the other hand, if the charge can be made out, it is adding to the crime the deepest dissimulation in those who have embarked in such a dark system of iniquity and wickedness.

“ But, gentlemen, suppose these Associations to have adopted the most profligate purposes, and to have no other view, it may be asked, Is it possible ? And, if it be possible, by what process is it that an Association, for the reform of parliament, can work itself up to the crime of high treason. Gentlemen may, nay gentlemen must, if they posses the faculty of thinking, reason on every thing that sufficiently interests them—that becomes an object of attention, and, among objects of attention, is that of a system of true government. The constitution of particular governments, and, above all, the constitution of the government under which they live, will naturally engage attention, and provoke speculation. The communication of sentiments is the source of all science, the first fruits and the ultimate happiness of society ; and therefore it seems to follow, that human laws ought not to interpose, nay, cannot interpose, to prevent the communication of sentiments, and opinions of voluntarily assemblies of men ; all which is true, with this single reservation—that those assemblies are to be so composed, and so conducted, as not to endanger the public peace and good order of the government under which they live.

“ Gentlemen, I shall not now state to you, that Associations and assemblies of men, for the purpose of obtaining a reform in the interior constitution of the British parliament, are simply unlawful ; but, on the other hand, I must state, they may, if I may say so, degenerate and become unlawful in the highest degree, even to the enormous extent of the crime of high treason. Gentlemen, to prove this, let us imagine to

ourselves this case : A few well-meaning men conceive, that they and their fellow-subjects labour under some grievance. They assemble peaceably to deliberate on the means of obtaining redress. The number increases, the discussion grows animated, eager, and violent. A rash measure is proposed, adopted, and acted upon. Who can say where this will stop, and that those men who originally assembled peaceably, shall not finally and suddenly, perhaps, involve themselves in the crime of high treason ? It is impossible to say how far an impetuous man may precipitate such assemblies into crimes of unforeseen magnitude and danger. But let it be considered, that bad men may also find their way into such assemblies, and use the innocent purpose of their association as a stalking horse to their purposes of a very different complexion. How easy for such men to practise on the credulity and enthusiasm of honest men, lovers of their country, loyal to their prince, but perhaps eagerly bent on some speculative improvement in the frame and interior mechanism of the law. If we suppose bad men to have once gained an ascendency in an assembly of this description, popular in its constitution, and viewing popular objects, it will be easy for such men to implicate such an assembly in the most dreadful excesses. Thus far am I speaking in general, merely to illustrate this proposition ; that men who assemble to procure a reform in parliament, may involve themselves in the guilt of high treason. The notoriety of these associations leads me to suppose, that the project of a Convention of the people, to be assemb'd under the advice and direction of some of those societies, or of delegates from them, will be the leading fact, which will be laid before you in evidence, respecting the conduct and measures of these associations ; a project which, perhaps, in other times, would be hardly thought worthy of much consideration ; but, in these our days, when it has been attempted to put in execution, in a distant part of the united kingdom, and the example of a neighbouring country before our eyes, it has become deservedly an object of the jealousy of the law. Gentlemen, it will be your duty to give it the most serious attention to sift it to the bottom, to consider every part of it by itself, and as it stands connected with other parts, and to draw the conclusion of fact, as to the existence, nature, and object of that proposed Convention, from the whole of the evidence. As to bodies of men having been connected together, having voted different resolutions at different meetings, and as to several preparations of offensive weapons, and of the adoption of the language of the Convention of France, who have possessed the government of that country, I do not dwell on these particulars, because I consider them not as substantive treasons, but as circumstances of evidence tending to ascertain the true nature of the object which those persons had in view. It does

not fall within the province of this charge to consider that evidence in detail. My present duty is to inform you what is the law upon matter of fact, which in your judgment shall be the result of the evidence. I presume I have sufficiently explained to you, that a project to bring the people together in a Convention, in imitation of those National Conventions of France, in order to usurp the government of the country; and also one step taken towards bringing it about, wou'd be a case of no difficulty. It would be the clearest high treason. It would be compassing and imagining the king's death, and not only his death, but the death and destruction of all order, religion, law, all property, all security for the lives and liberties of the king's subjects.

" That which remains to be considered, is the project of a convention, having for its objects to effect a change in the mode of representing the people, and obtaining annual parliaments. And here the project of such a convention, taking it to be criminal, may be criminal in different degrees, according to the case in evidence, by which you will examine the true nature and extent of the plan, and manner in which it is intended to operate; and it will become an object of great importance under what class of crime it ought to be laid. In deciding on the complexion and quality of this project of convention, you will lay down one principle, which is never to be departed from—that alterations in the representation of the people in parliament, or in the law for holding parliaments, can only be effected by the authority of king, lords, and commons, in parliament assembled.

" This being taken as a foundation, it seems to follow as a necessary consequence, that a project of a convention, which should have for its object the obtaining a parliamentary reform, and that object only but the attaining it without the authority of parliament, and steps taken upon it, would be high treason in all the actors of it. For this is a conspiracy to overturn the government. The government cannot be said to exist, if the functions of legislation are usurped for one moment; and then it becomes of little consequence, indeed, that the original conspirators at first perhaps only had in view a plan of moderate reform. In the nature of things, a power once usurped is out of their hands and beyond the reach of their control. A conspiracy of this nature is, therefore, at best a conspiracy to overturn the government, in order to new model it, which is in effect to introduce anarchy, and that which anarchy may chance to bring along with it, after the king may be brought to the scaffold, and the country may have suffered all the miseries which bloodshed and civil war may produce.

" Gentlemen, whether the project of a Convention, which has for its object the collecting together a power which should

overawe the Legislative Body, but not suspend it, and should extort a Parliamentary Reform—whether this will amount to High Treason, and to the specific High Treason of compassing and imagining the King's death, is a more doubtful question. Thus far i clear.—A force upon the Parliament must be manifestly directed against the King, who is an integral part of it. It must reach the King, or it can have no effect at all.—The laws are enacted in Parliament by the King, together with and by the Lords and Commons in Parliament assembled. A force meditated against his person is, therefore, a force meditated against the King, and seems to fall within the cases described against the King, to force him to alter the measures of his Government. But in that case it does not appear to me that I am warranted by the authorities, to state it to you as clear law, that the raising such a force constitutes the crime of High Treason. What the law is, and what would be the effect of the circumstances of such a force to be employed against the King in person, in the exercise of the highest functions of his Royalty ; what will be the effect of this, will be fit to be solemnly considered and determined when the case shall arise.

" I go on to state to you as clear, that the project of a Convention, having for its sole object a peaceable application to the wisdom of Parliament, by petition for a Parliamentary Reform, and leaving it to Parliament to exercise their own discretion on the subject, cannot of itself be ranked among this class of offences.

" Gentlemen, you now proceed on these several articles of inquiry. If you find that the parties that shall be accused before you, have been pursuing lawful ends by lawful means, or have been only indiscreet, or, at the worst, if criminal, that they have not been criminal to extent of High Treason, then say, the bills that shall be presented to you are not true bill. But if any of those persons shall appear to you to have engaged in that traitorous and detestable conspiracy already described; or if, without any formal design to go the full length of that conspiracy, they have acted a part to bring about an alteration in the house of Commons, without the authority of Parliament, by an usurped power, and have taken upon themselves the function of Legislation, and conspired to subvert the existing Laws and Constitution, you will then do that which belong to your office to do.

" In the third view of the case of these persons, if you find them involved and proceeding on a design to collect people together against the legislative authority of the country, for the purpose of overawing the Parliament, but not suspending its functions, and so compelling the King, Lords, and Commons, in Parliament assembled, to enact laws for

holding Annual Parliaments, &c. perhaps it may be admitted, in respect of the extraordinary nature, the dangerous extent, and the very criminal complexion of such a conspiracy, that this case, which I state as new and doubtful, should be put into a judicial course of enquiry, that it may be known whether it does or does not amount to High Treason.

“ Gentlemen, I will not open to you the law of the misprision of Treason, because I am not awars that there are any persons committed for that offence, and because I have no reason therefore to suppose that there will be any prosecutions preferred for that offence. The offence is the concealing of Treason. The punishment is a most severe one. I hope the necessity of the times will not stile the humanity of the times, and compel us to put this law in execut on.

“ Gentlemen, I now dismiss you, being confident that your judgment will direct you to those conclusions which may clear innocent men from all suspicion of guilt, bring the guilty to condign punishment, preserve the life of our gracious Sovereign, secure the stability of our Goverment, and maintain the public peace, in which comprehensive term is included the welfare and happiness of the people, under the protection of the laws and liberties of this kingdom.”

After this charge was delivered, the witnesses, who were to give evidence before the Grand Jury, were sworn in. No fewer than 36 witnesses were sworn to give evidence on one bill.

## THE INDICTMENT.

MIDDLESEX to Wit THE JURORS for our Sovereign Lord the King upon their oath present. That Thomas Hardy, late of Westminster, in the County of Middlesex, Shoemaker, John Horn Tock, late of Wimbledon in the County of Surry clerk, John Augustus Bonney, late of the parish of Saint Giles in the Fields, in the County of Middlesex, aforesaid gentleman Stewart Kyd, late of London, Esquire; Jeremiah Joyce, late of the parish of Saint Mary-le-Bone, otherwise Marybone, in the County of Middlesex aforesaid gentlemen; Thomas Wardle, late of London, gentleman; Thomas Holcroft, late of the parish of Saint Mary-le-Bone, otherwise Marybone aforesaid in the County of Middlesex, aforesaid gentleman; John Richter, late of Westminster, in the said County of Middlesex, gentlemen; Matthew More, late of Westminster, in the County Middlesex aforesaid, gentleman; John Thelwall, late of Westminster, in the County of Middlesex, aforesaid gentleman; Richard Hodgson, late of Westminster, in the County of Middlesex aforesaid, hatter and John Baxter, late of the

parish of Saint Leonard, Shoreditch, in the County of Middlesex aforesaid, labourer, being subjects of our said Lord the King, not having the fear of God in their hearts, nor weighing the duty of their allegiance, but being moved and seduced by the instigation of the devil as false traitors against our said Lord the King, their supreme, true, lawful and undoubted Lord; and wholly withdrawing the cordial love and true and due obedience which every true and faithful subject of our said Lord the King should and of right ought to bear towards our said Lord the King; and contriving with all their strength intending traiterously to break and disturb the peace and common tranquility of this kingdom of Great Britain; and stir, move and excite insurrection, rebellion and war against our said Lord the King within this kingdom; and to subvert and alter the legislature, rule and government now duly and happily established in this kingdom; and to depose our said Lord the King from the royal state, title, power and government of this kingdom; and to bring and put our said Lord the King to death on the first day of March in the thirty-third year of the reign of our Sovereign Lord the now King, and on divers other days and times as well before as after, at the parish of Saint Giles aforesaid, in the County of Middlesex, aforesaid; maliciously and traiterously with force and arms, &c. did, amongst themselves and together, with divers other traitors whose names are to the said jurors unknown, conspire, compass, imagine and intend to stir up, move and excite insurrection, rebellion and war against our said Lord the King within this kingdom of Great Britain; and to subvert and alter the Legislature, Rule and Government now duly and happily established within this kingdom of Great Britain; and to depose our said Lord the King from the royal state, title, power and government of this kingdom, and to bring and put our said Lord the King to death.

AND TO FULFILL, perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, they the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Ritcher, Matthew Moore, John Thelwall, Richard Hodgson and John Baxter, as such false traitors as aforesaid, with force and arms on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traiterously did meet, conspire, consult and agree among themselves and together, with divers other false traitors, whose names are to the sa'd jurors unknown, to cause and procure a Convention and Meeting of divers subjects of our said

Lord the King, to be assembled and held within this kingdom, with intent, and in order that the persons to be assembled at such Convention and Meeting should and might, wickedly and traiterously without, and in defiance of the authority and against the will of the Parliament of this kingdom, subvert and alter, and cause to be subverted and altered the legislature, rule and government now daily and happily established in this kingdom; and depose, and cause to be deposed our said Lord the King from the royal state, title, power and government thereof.

AND FURTHER TO FULFILL, perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, and in order the more readily to assemble such Convention and Meeting as aforesaid, for the traiterous purposes aforesaid, and thereby to accomplish the said purposes, they the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson and John Baxter, as such salse traitors as aforesaid; together with divers other false traitors, whose names are to the Jurors aforesaid unknown on the said first day of March, in the thirty-third year aforesaid; and on divers other days and times, as well before as after, with force and arms at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traiterously did compose and write, and did then and there maliciously and traiterously cause to be composed and written divers books, pamphlets, letters, instructions, resolutions, orders, declarations, addresses and writings; and did then and there maliciously and traiterously publish, and did then and there maliciously and traiterously cause to be published divers other books, pamphlets, letters, instructions, resolutions, orders, declaratiions, addresses and writings so respectively composed, written, published, and caused to be composed, written and published, purporting and containing therein, among other things, incitements, encouragement and exhortations to move, seduce and persuade the subjects of our said Lord the King to choose, dispute and send persons as delegates to compose and constitute such Convention and Meeting as aforesaid, to be so holden as aforesaid, for the traiterous purposes aforesaid.

AND FURTHER TO FULFILL, perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid; and in order the more readily and effectually to assemble such Convention and Meeting as aforesaid, for the traiterous purposes aforesaid; and thereby to accomplish the said purposes they, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas

Holcroft, John Ritchter, Matthew Moore, John Thelwall, Richard Hodgson and John Baxter, as such false traitors as aforesaid, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, with force and arms at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, did meet, consult and deliberate among themselves and together, with divers other false traitors, whose names are to the said Jurors unknown, of and concerning the calling and assembling such Convention and Meeting as aforesaid, for the traiterous purposes aforesaid; and how, when and where such Convention and Meeting should be assembled and held, and by what means the subjects of our said Lord the King should, and might be induced and moved to send persons as delegates to compose and constitute the same.

AND FURTHER TO FULFILL, perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid; and in order the more readily and effectually to assemble such Convention and Meeting as aforesaid, for the traiterous purposes aforesaid, and thereby to accomplish the same purposes, they, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Ritchter, Matthew Moore, John Thelwall, Richard Hodgson and John Baxter, as such false traitors as aforesaid, together with divers other false traitors whose names are to the jurors aforesaid unknown, on the said first day of March, in the thirty-third year aforesaid; and on divers other days and times, as well before as after, with force and arms, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traiterously did consent and agree, that the said Jeremiah Joyce, John Augustus Bonney, John Horne Tooke, Thomas Wardle, Matthew Moore, John Thelwall, John Baxter, Richard Hodgson, one John Lovett, one William Sharpe, and one John Pearson should meet, confer and co-operate among themselves, and, together with divers other false traitors, whose names are to the said jurors unknown, for, and towards the calling and assembling such Convention and Meeting as aforesaid, for the traiterous purposes aforesaid.

AND FURTHER TO FULFILL, perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, they, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Ritchter, Matthew Moore, John Thelwall, Richard Hodgson and John Baxter as such false traitors as aforesaid;

together with divers other false traitors whose names are to the jurors aforesaid unknown on the first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, with force and arms at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traiterously did cause and procure to be made and provided, and did then and there maliciously and traiterously consent and agree to the making and providing of divers arms and offensive weapons; to wit, guns, musquets, pikes and axes, for the purpose of arming divers subjects of said Lord the King, in order, and to the intent, that the same subjects should and might unlawfully, forcibly and traiterously oppose and withstand our said Lord the King in the due and lawfull exercise of his royal power and authority, in the execution of the laws and statutes of this realm; and should and might unlawfully, forcibly and traiterously subvert, and alter, and aid, and assist in subverting altering, without, and in defiance of the authority, and against the will of the Parliament of this kingdom, the Legislature, Rule and Government now duly and happily established in this kingdom; and depose, and aid, and assist in deposing our said Lord the King from the royal state, title, power and government of this kingdom.

AND FURTHER TO FULFILL perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, they the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, as such false traitors as aforesaid, with force and arms on the said first day of March in the thirty-third year aforesaid, and on divers other days and times as well before as after at the parish of St Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traiterously did meet, conspire, consult, and agree among themselves and with divers other false traitors whose names are to the said Jurors unknown, to raise, levy, and make Insurrection Rebellion and War, within this kingdom of Great Britain against our said Lord the King.

AND FURTHER TO FULFILL perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, they the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, as such false traitors as aforesaid, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as

after, at the parish of St Giles aforesaid, in the county of Middlesex aforesaid, with force and arms maliciously and traitorously did meet, conspire, consult, and agree among themselves, and together with divers other false traitors whose names are to the said Jurors unknown unlawfully wickedly and traitorously to subvert and alter, and cause to be subverted and altered, the Legislature, Rule and Government now daily and happily established in this kingdom; and to depose and cause to be deposed, our said Lord the King from the royal state, title, power and government of this kingdom.

AND FURTHER TO FULFILL perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, and in order the more readily and effectually to bring about such subversion alteration and deposition as last aforesaid, they the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kvd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Heddison, and John Baxter, as such false traitors as aforesaid, together with divers other false traitors, whose names are to the Jurors aforesaid unknown on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, at the parish of St Giles aforesaid, in the county of Middlesex aforesaid, with force and arms maliciously and traitorously did prepare and compose, and did then and there maliciously and traitorously cause to procure to be prepared and composed, divers books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses, and writings, and did then and there maliciously and traitorously publish and disperse, and did then and there maliciously and traitorously cause and procure to be published and dispersed, divers other books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses, and writings, the said several books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses, and writings, so respectively prepared, composed, published, dispersed, and caused to be prepared, composed, published, and dispersed, as last aforesaid; purporting and containing therein, (amongst other things:) incitements, encouragements, exhortations, to move, incuse, and persuade the subjects of our said Lord the King, to aid and assist in carrying into effect such traitorous subversion, alteration, and deposition as last aforesaid, and also containing therein amongst other things informations, instructions, and directions to the subjects of our said Lord the King how, when and upon what occasions the traitorous purposes last aforesaid should and might be carried into effect.

AND FURTHER TO FULFILL perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, they the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson and John Baxter, as such false traitors as aforesaid, together with divers other false traitors, whose names are to the said jurors unknown, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times, as well before as after, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid; with force and arms maliciously and traiterously did procure and provide, and did then and there maliciously and traiterously cause and procure to be provided, and did then and there, maliciously and traiterously consent and agree to the procuring and providing arms and offensive weapons, (to wit) guns, musquets, pikes, and axes; therewith to levy and wage war, insurrection and rebellion against our said Lord the King, within this kingdom, against the duty of the allegiance of them, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgson, and John Baxter, against the peace of our said Lord the now King, his crown and dignity, and against the form or the statute in that case made and provided.

*Friday October, 24.*

This day at eight in the morning, the Sheriffs, in their carriages, attended by the Under Sheriffs, the City Marshals on horseback, and the Marshals men, together with a strong party of Sheriffs Officers and Constables, proceeded from Guildhall to the Tower, and having stopped at the outer gate, Sheriff Earner sent a message to the commander of the Guard, desiring his attendance; to whom he produced an order of the Privy Council to deliver into the Sheriff's charge the following state prisoners; Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Rev, Jeremiah Joyce, John Richter, and John Thelwall,

In about half an hour the prisoners were brought out, under the escort of a Captain's guard, and, upon their delivery, the Sheriff gave a formal receipt to the Lieutenant of the Tower, or his Deputy, for their bodies.

They were placed in three coaches, one of the Sheriff's carriages leading the procession, the prisoners following, and the other Sheriff and his train closing. The Sheriff's officers were, on horseback, and had their hangers drawn.

About ten they arrived at Newgate, where the prisoners were safely lodged under the care of Mr. Kirby, the keeper, who conducted them to the state side of the prison, and placed them in seven different rooms, which had been prepared for their reception.

The Lord Mayor and Sheriffs have ordered the different avenues to the Sessions-House to be encircled with strong barricades, and a bar to each, with a supercription, containing the names of persons who are to be admitted at that particular avenue.

The officers have a peremptory order, that no others are to be admitted under any pretext whatever.

The seats for the Jury will contain one hundred and eighty-seven. The cushions for them were sent in Friday night by Mr. Philips, and every precaution is taken to preserve a due solemnity upon this awful occasion.

*Old Bailey, Saturday, October 25.*

The Court being adjourned until this day, for further proceeding on the trial of the different persons committed for High Treason, the following Judges, &c. met the Lord Mayor:—Chief Justice Eyre, President of the Commission; Mr. Justice Gose, Mr. Baron Hotham, Lord Chief Baron, and Mr. Justice Bulle—Alderman Pickett, Plomer, G.H. Newman, Anderson, Macaulay, and Clark.

The Court being opened, the following prisoners were set to the bar—*Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stephen Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter*. They were arraigned in the usual form. They all pleaded not guilty.

Mr. Bonney and Mr. Thelwall objected to the form of the indictment, the place of their residence being laid in the indictment at St. Giles's Middlesex, when Mr. Bonney lived at St. Pancras, and Mr. Thelwall within the Duchy of Lancaster, which were neither of them within the parish of St. Giles, but they waved all objections, as they wished their trial to be finished as soon as possible.

Mr. Tooke and Mr. Bonney informed the Court, in a short and concise speech, that they had not the ten days allowed them by the Act of Parliament in cases of Treason, and that they had not an opportunity of seeing their Counsel, who were to have dined with them the day they were removed from the Tower, which was very unexpected, as they were removed to Newgate on the Friday, when they did not expect to be removed until the Saturday.

Mr. Bonney afterwards said, that as his trial could not come on for some time, he would thank the Court to remand him to the Tower: he said he had been treated there with the utmost humanity by the Governor for twenty two weeks, and had every liberty which persons in their situation could expect.

The apartments in Newgate were so close, that he could not invite his Counsel into them; but in the name of them all, he requested they would let them have all possible accommodation in their power. He said Mr. Kirby and his people had used them very well since they had been there.

Chief Justice Eyre said he could not remand them to the Tower, they must apply elsewhere.

Mr. Sheriff Eamer assured the Court, that they should have the best accommodation they could afford them.

Mr. Erskine moved the Court on behalf of the prisoners, that their trials should not come on until Tuesday morning instead of Monday, as the prisoners were not as yet prepared.

Mr. Attorney General said, as it was the prisoners wish, he would consent to it.

The Sheriffs were requested to summon the Jury for Tuesday morning, at seven o'clock, as the Chief Justice did not wish the Jury to attend on Monday, and be sent home again without doing any thing.

Council for the Crown who attended—Mr. Attorney General, Mr. Solicitor General, Mr. Law, Mr. Garow, and Mr. Knapp.

Counsel for the prisoners—Erskine and Gibbs.

*Monday, Oct. 27.*

The Court met this day to adjourn to Tuesday, as a mere matter of form.

*Tuesday, Oct. 28.*

This morning at eight o'clock the court was opened, and Mr. Thomas Hardy put to the bar. The Clerk of the Arrays having proceeded to call over the panel of the Jury, a number of persons were deemed ineligible to serve, on account of not being possessed of freeholds in the County of Middlesex. Thirty-four of the panel were challenged by the prisoner's counsel, but no reason for such challenge was assigned. The following gentlemen were sworn on the Jury, immediately after which the trial commenced.

THOMAS BUCK, Esq, Acton.

THOMAS WOOD, Coal Merchant.

WILLIAM FRASER, Queen Square.

ADAM STAINMETZ, Biscuit Baker.

JOHN CONOP, Distiller.

JOHN MERCER, Meal Man.

THOMAS SAYER, Bow.

RICHARD CARTER, Paddington-street.

NATHANIEL STONARD, Starch Maker.

JOSEPH NICOL, Gent. Farmer.

JOHN CARRINGTON, Esq. Brewer.

JOSEPH AINSLEY, St. George's, Coal Merchant.

The indictment being read, in which were included the charges of Nine overt Acts of Treason: the leading Counsel for the Crown stated the indictments in short; after Mr. Attorney General rose, and stated the great variety of particulars which would be adduced in the course of the evidence. The learned gentleman stated the acts charged against the prisoner at the bar, came most clearly and evidently within the description of the venerable and revered statute of the 25th of Edward III. whereby the compassing and imagining the death of the King or Queen of this realm, is declared to be High Treason. Mr. Attorney General said, that in passing the Habeas Corpus Act, it was found necessary to part with a portion of the liberties of the people, to guard against those liberties being alienated for ever; and the popular and political societies, under a variety of denominations, established in different parts of the kingdom, had pursued a conduct which made it the indispensable duty of the legislature to suspend that act, and framed a law for the suppression of such meetings in different parts of the kingdom, as by their proceedings seemed calculated to throw this country into a state of anarchy, confusion and bloodshed, similar to that prevailing in France. The prisoner had been a very active member of the London Corresponding Society, and the Society for Constitutional Information; and his name was affixed, as would be proved to the Jury, to many Letters, Papers and Resolutions, addressed to different societies in Sheffield, Huddersfield, Manchester, Norwich, Birmingham, &c. and tending to spirit up the people to insurrection and rebellion. The resolutions and exhortations which the prisoner, in conjunction with other persons included in the same indictment, though they were to be separately tried, were manifestly calculated to dispoil the King of his Crown and Dignity, and to supersede the functions of the executive power, and establish a new and unheard-of order of things in civilised society.

The written evidence which the learned gentleman would have to submit to the consideration of the jury would, he was confident to say, be amply convincing to them, that a most daring and dangerous conspiracy had not only been formed, but even brought to a degree of maturity that seemed to portend the most imminent danger to the state. To compass, imagine, or contrive the death of the king, was an act of high treason; and the daring projects that had been entered into by the clubs in different parts of the country had most incontestably that object in view.

The king is bound by the solemn obligation of his coronation oath to govern the nation according to the statutes agreed upon in Parliament; and the personal safety of the King is of so high importance; that his life cannot be endan-

gered, without the safety of the state being put into a precarious situation; and therefore to conspire against the safety of the King, must be construed into treason; for no alteration could be attempted in the system of the government of this country, without endangering the safety of the King.

The prisoner was a member both of the Constitutional Society, and the London Corresponding Soc ety, which the learned gentlemen deemed to be the trading societies instituted ostensibly for procuring a reform in parliamentary representation, but whose object was to introduce a system of policy in this country founded on the example of that instituted in France, whereby that nation had been involved in a state of the most lamentable misery and distress.

Mr. Attorney General read a great number of letters between the several societies in London and those in different parts of the country, commenting upon each, and drawing the general conclusion: that they were written in pursuance of a carefully digested and artfully prosecuted plan, not for effecting a reform in, but for effecting a total alteration in the system of the government of this country. It was not meant to apply to parliament for effecting a reform in the representative body, for it was declared in the letters, resolutions, and other papers read to the jury, and which would hereafter come before them in the former evidence, that it would be absurd and nugatory to apply to parliament for redress of the supposed grievances; nay the competency even of Parliament was denied; and the people engaged in the conspiracies to bring about a total change in the management of public affairs had that it was in the co-operation of their own force and exertions, that they were to depend for the attainment of the object of their wishes.

In the laws respecting treason, there is nothing ambiguous and uncertain; but the whole was laid down so conspicuous, that no misconceptions could easily take place; these the learned gentlemen wished to be understood as distinctly, disavowing the idea of imputing to the prisoner constructive treason, since the nature of the offence specified in the 25 of Edward III. and the charge alleged in the indictment were perfectly coincident, and were precisely specified in both.

To conspire to imprison the King, or by threats, or other violent means to endeavour to compel him by force to change his Counsellors, is an overt act of treason, as that may endanger the life of the King, who being bound by his coronation oath, to govern in conformity with the statutes agreed on in parliament, must, even at the hazard of life, and every thing else most dear to him, resist whatever overtures may be made to act otherwise than in exact observance of the statutes of Parliament.

The learned gentleman read a number of letters, resolutions, &c. signed by the prisoner, and others, addressed to him in capacity of Secretary of the London Corresponding Society, containing the highest commendations of the political principles of the writings of Payne; and recommending the general adoption of those principles.

Conspiracy to injure or depose the King, without any intention imputed as to taking his life, is an overt act of treason; for as judge Hale says, that is to despoil him of his kingly government, and consequently to depose him from his royal title, rule and dignity. The learned gentleman stated, that the prisoners had been guilty of conspiracy to depose the King by the means pursued for forming a Convention, for superseding the civil and legislative constituted authorities, and by the exertion of the physical force of man, to assume and exercise all the powers of Government; and to conspire to depose the King, was an overt act of treason, as that act necessarily involved the King's life in danger.

Universal suffrage an annual representation, was the object that the several societies had in view; but no intimation was given in any of the accounts or minutes of their proceedings, that to attain the end of a reform in the representation, they meant to apply to parliament: on the contrary, it was declared that an appeal to the constituted powers of the state would necessary prove ineffectual, and therefore they must have recourse to the power residing in themselves.

Having mentioned every species of written evidence that would be produced to the jury; the learned gentleman said, that oral testimony would be given of Mr. Hardy and the other persons implicated in the movement, (which had been laid) having entered into a conspiracy for providing themselves and the members of the different societies corresponding and co-operating with them; and it would be clearly proved that these pikes, guns, and other weapons were intended to be made use of to oppose any civil or military power that might attempt to disperse them when assembled in what they affected to call a Convention of the People. Among the instruments thus prepared, he said, was one species but little known in this country, and not at all of late years. These were called nail guns, being iron wrought into such a form as laying in whatever position points would be presented in every direction, and these points penetrating the hoofs of the horses would prevent the approach of cavalry. The learned gentleman took a view of the proceedings of the meetings at Chalk Farm, at several other places in this country and in Edinburgh, and inferred from the whole, that a treasonable combination for affecting the destruction of the King, and a total overthrow of the system of the British Constitution, and erecting on the ruins thereof a species of horrid and sanguin-

ary Republicanism, similar to that prevailing in France. If the charges laid in the indictment did not amount to that kind of high treason mentioned in the act of King Edward, and specified in the indictment, he would join in the prayer made in saying "God send the prisoner a good deliverance. The learned advocate concluded after having been upon his legs just eight hours and fifty minutes. The court then adjourned for one hour.

The Court being resumed,

*Thomas McLean* was the first witness produced on the part of the Crown, and one of the King's Messengers, swore, that on the 12th of May, 1794, he went to the house of the prisoner, Hardy, and took into his possession the following letter. The hand-writing of the prisoner to which letter was proved by a witness named *Alexander Grant*, who had seen him write; *viz.*

A letter dated March 27, 1794, signed by the prisoner as Secretary to the London Corresponding Society, to the Society in Scotland for Constitutional Information; in which a full and complete Representation of Parliament is declared to be the wish of the Society, to be obtained in a peaceable manner.

*John Gurney*, the next witness, a King's Messenger, proved also the seizure of some papers in Hardy's possession, which he marked in order to distinguish them; the hand-writing to which was also proved by the said Mr. *Grant*; they were as follows:

A letter dated April 4, 1794, and various other letters from the Society, signed by Hardy, as Secretary, and addressed to various Societies.

All of them invariably stating their object to be a Parliamentary Reform, and recommending to each other unanimity and perseverance in their endeavours to obtain it, upon the plan, as stated in some, of Mr. Pitt, and the Duke of Richmond, and in others, without making any reference, on that of Universal Suffrage. In a resolution passed by the London Corresponding Society, and proved, more particularly after stating the many grievances they supposed to exist, and the incomplete representation of the people, all of whom should possess that right, who were not incapacitated by want of reason, or the commission of some crime, and instancing the case of Birmingham, which contained 40,000 inhabitants, Sheffield 30,000, Leeds 20,000, Wolverhampton and other places unrepresented; they think proper to adopt resolutions of establishing themselves into a Society, and make various regulations for increasing the number and correspondence, and promoting the interest of the London Corresponding Society. Several of the letters sent by the Society are on the subject of an Address to the French Con-

vention, on the glorious struggle made by them, and offering to form correspondence and connection with them, but there are many of them from the different Societies in answer, which do not accord with the measure. These letters also unfolded several writings, generally avowing the principles of the London Corresponding, and of the other Societies, to be those of good order; but in many of them there are very violent and strong assertions respecting the state of the House of Commons, the present war, and every grievance which can possibly be conjectured, and of the absolute necessity of the utmost exertions to prevent a continuance of what is said to be slavery. One of the most violent of them was read and proved by the witness, *Gant*, originally one of the members of the Society, who swore that he received orders to print 500 copies, which were delivered by his warehouseman to some person, for which he was paid by *Hardy*, who afterwards informed him that *Carter*, the bill-sticker, was in custody, and as he understood for the offence of sticking them up in the metropolis; and that he refused to comply with a request of printing a further quantity of them.

*Mr. W. Woodfall* was called to prove the hand-writing of *Mr. Tooke*. Of one paper, the original plan of the London Corresponding Society, he said that the interlineations were of that gentleman's writing, but not the other part of the paper.

At about half past eleven o'clock, *Mr. Erskine* informed the Court, that in his opinion it was absolutely necessary for them to come to some determination respecting the adjournment of the trial, as the Court, the Jury, and the Counsel, who were all but men, could not possibly sit up till the whole mass of evidence was gone through on the part of the prosecution; that he should strongly recommend it to his client to agree to the Jury being dismissed, and suffered to go to their respective homes and families, on their pledging their word that they would not suffer them elys to be approached by any person breathing on the subject of the trial; that if he could not put such confidence in them, he was convinced he should have little weight with them in addressing them upon their oaths.

The Lord President said, that the law was clear on the subject; v z. That no Juryman in any criminal case, after evidence had been given on an issue, could possibly be separated till after they had pronounced their verdict. He mentioned a case of a misdemeanor reported in the year books, 14th of Henry VII. where the Jury appear to have adjourned for a whole day, and it is not easy to conceive that they were not then separated, though that does not clearly appear. He mentioned also a case where, from necessity, on account of a violent tempest, the Jury were separated.—After comment-

ing on the present case, he, upon the whole, thought that there was such a necessity existed in it, as would justify him in adjourning; but the difficulty was for what time, and in what manner the Jury should be disposed of. He considered the Court to stand in a critical situation; and though at first, he seemed to wish to accommodate the Jury, by suffering them to take advantage of Mr. Erskine's proposal, yet he afterwards saw difficulties in the way which had better be avoided, particularly as the Sheriff had provided beds and accommodations for them. He told the Jury, who said they wished to be permitted to go home, that he was very sorry for it, but they must submit to it.

The Chief Baron, with that humanity for which he is so distinguished, observed, that it was more particularly necessary for the Prisoner that an adjournment should take place, in as much as the Jury would be unable to pay that attention to the evidence they had to the speech of the Attorney General, from their fatigue, and that it would consequently make a deep impression on them.

Mr. Baron Hounam was most decidedly against the Jury being suffered to separate, as he foresaw many inconveniences that might attend it, and there was no precedent to warrant such a measure.

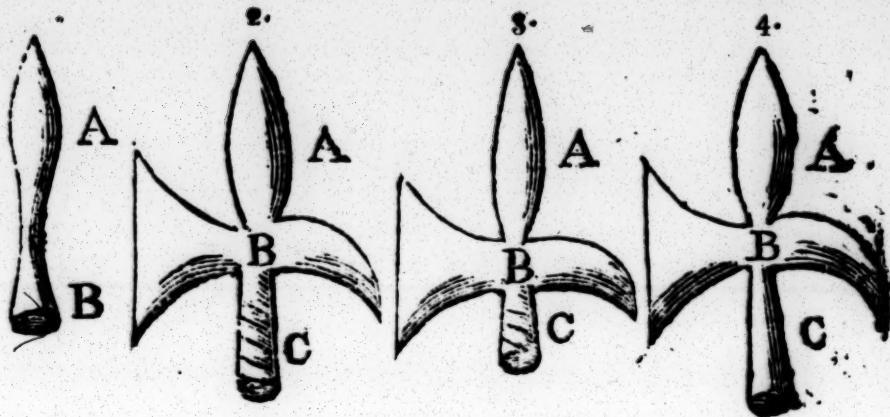
The Court being of the above opinion, they adjourned at 12 o'clock exactly, to 8 o'clock in the morning, and the Lord President ordered the Sheriff to let them have every accommodation he could afford.

Mr. Erskine, at the rising of the Court, said that the whole of the papers found in his client's possession having been taken from him, and he not having been able to procure access to them, it would be impossible for him, after such a mass of evidence as they contained was crowded upon him, should his reply be required at a time of the day convenient to them to continue the trial, with justice to his client, to be able to answer the prosecution: and therefore, hoped, in that case, for the indulgence of the Court, by an adjournment for an hour or two only, to enable him to consider it; he gave this notice to prevent any surprize. The Lord President informed him that the Court would certainly grant his Client every reasonable indulgence.

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No. II. will be published at 12 o'Clock  
at Noon Tomorrow.

## No. 2.



*Wednesday 29.*

The Court was opened at a quarter past eight o'clock, and Mr. Hardy being put to the bar, a letter written to him, by Mr. Skirving at Edinburgh read; this was to urge that no time should be lost in forwarding all possible measures for the attainment of the great and important object the co-operating Societies, in the correspondence with each other had in view; and in this letter it was stated, that if the present opportunity was not taken advantage of, such another might not occur. Mr. Gurnel proved that he found this letter in the possession of the prisoner.

Mr. Scotten being sworn, he deposed, that a warrant being issued to apprehend Margarot and Skirving, a box was found belonging to the former in which among other papers, were several letters written to him by the prisoner.

The general tendency of these letters was to encourage the members of the Societies in Scotland to persevere in their endeavours to increase their members, to disseminate the principles cherished by the different Societies among different classes of the community.

Mr. Grant believed these letters to be the hand writing of the prisoner.

Another letter was produced and read, stating instructions from the London Corresponding Society, under the signature of Mr. Hardy, in his capacity of Secretary to the Society, for the conduct of the delegates from the Corresponding Society, namely Margarot and Gerrald, in pursuing the object of their mission at the approaching assembly of the delegates to compose the British Convention at Edinburgh. In this letter they are exhorted not to relax in their endeavours till a thorough and radical parliamentary reform shall be obtained.

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A letter of October 5, 1793, from Skirving to Hardy, desires a delegate may be sent to Edinburgh, qualified to forward the intentions of the convention. It mentions Mr. Muir being in good health and spirits, urges a speedy answer, and wishing destruction to all human butchers, concludes with saying the next meeting is adjourned to the 29th of the same month.

A number of other letters were proved to have passed between Hardy and the delegates from England, in one of which the former includes a draft for twelve guineas, for the Convention.

A letter from the prisoner, of November 22, urges the delegates to remain at their posts, expresses hopes of liberal patronage from the friends of freedom, and encloses another draft for twelve guineas, and says some copies of the Rights of Englishmen shall be sent, together with some other tracts — Mr. Grant proved the signature of this to be Hardy's.

A letter from Gerald to Hardy, says, that the return of himself and his colleague Margorat, to London, would at that time be attended with the worst consequences, as all classes look anxiously up to them for aiding in the great work of obtaining universal suffrage and annual representation. It complains of the unavoidable expences attending their mission; adding, that they are employed eighteen out of the twenty-four hours in public business, so that there is not time to write to London more than once a week, and that cannot be on stated days. Among other publications, it is desired some of the Letters to Dundas may be sent.

It being proposed by Mr. Garrow, one of the counsel for the Crown, to read an account of the proceedings of the British Convention at Edinburgh, Mr. Erskine rose, and expressed his opinion that the proceedings of that convention must be irrelevant to the case of the prisoner, and submitted to the judgment of the court, whether its time ought to be consumed in hearing a narrative of these transactions.

The Chief Baron deemed that there was room for letting in the kind of evidence alluded to by the learned advocate in behalf of the prisoner; but how that kind of evidence would apply was an after consideration.

The narrative of the proceedings, as entered on the minutes, were then read, during fourteen days sitting of the British Convention at Edinburgh, with lists of the newly admitted members, abstracts of correspondence with other societies. From these minutes it appeared, that five hundred constables had been ordered to disperse the meeting, which they did not effect without some opposition. Margorat declared himself president of the meeting, and was forced to quit the chair by the civil power.

After this, an adjournment was made to another place,

where it was stated that if spirited exertions were made, a majority of all the adults in the kingdom might be gained to the cause espoused by the co-operating societies, after which acquisition no denial could be given to a demand for a redress of grievances, and the friends would be enabled successfully to oppose all oppressive measures and give freedom to mankind.

It was stated, that at the meetings of the convention a deplorable picture was drawn of the miserable condition of Ireland, the Convention Bill passed in which country was severely reprobated; and it was said, that if Liberty was not cried up in the streets, it animated the hearts of the people of that country, where, however, the law had restrained the people from meeting in a convention.

Entries were read from the minutes of various sums subscribed in the convention; at one time four pounds five shillings and eight pence; at a second, one pound nineteen shillings and two pence, with an item of one shilling more; at another, one pound nine shillings and two pence farthing; and a member having presented five shillings on the part of a person whose name he was not authorized to make known, *honourable mention* of this donation was ordered. A Committee of Finance was established, and a book for containing entries of all matters of finance prepared.

Publications were agreed to be circulated for enlightning the minds of mankind, the price of each not to exceed one half-penny; and measures were resolved to be pursued for communicating information to, and in improving the understanding of the Highlanders. It was also stated, that a Reforming Society was established in the neighbourhood of the Grampian Hills, the number of which were fast increasing.

The publications and a bulletin of the proceedings of the convention was proposed; two members were admitted to the *honours of the sitting*; it was customary to move the *order of the day*, to move and adjourn the house, &c. and the year was signified under the term of the *First year of the Convention*. It also appeared, that a correspondence had been carried on between the popular societies in Scotland and England, where it was mentioned that a committee was to be formed, for watching the proceedings of Parliament, and upon intelligence being communicated of a design to suspend the *Habeas Corpus* act, to pass a Convention bill, to admit the landing of foreign troops, or upon any other act of innovation, or any such calamitous circumstance, it was determined that either of these cases occurring was to be considered as a signal for a general assembly of the delegates of the Convention, the members of which were to hold themselves in readiness to assemble on an hours warning. This last resolution was passed in a remarkable man-

mer, and in a way that may be described as, at least having the appearance of solemnity; for when the question was decided, it was done while all the members were uncovered and joining hands, and pronouncing words expressive of their determination to exert their utmost efforts to secure the possession of their unalienable and unrescribable rights—the Rights of Man.

The proceedings of the British Convention in Edinburgh, having been gone through, a letter of December 8, 1793, from Margaret to Hardy was produced, and proved to have been found in possession of the latter. This stated, that the writer and his colleague, (meaning the other delegate from England to the British Convention at Edinburgh) were placed in the front of the battle; yet the dangers they subjected themselves to, would be of no avail if they were not supplied with remittance of money. A caution was given as to the way of communicating an answer, as the conveyance by the channel of the post might subject the letter to be intercepted; and to prevent an accident of the kind in this case, the present letter was to be sent in a packet with various other papers.

Another letter, from Margaret to Hardy, solicits a remittance of money to enable his colleague in the deputation to pay the expences of his return to England, and mentions the institution of a political association, near the Grampian Hills.

A letter of January 11th, to a society at Norwich, says, the enemies of reform are cutting each other's throats; and this is from Hardy, who encloses in it a receipt for making beer, which will, he says, diminish the revenue of this country, as all persons brewing their own beer, are exempted from the payment of duty. It is also said, in this letter, that the present is a time for the friends of liberty to do some things worthy of men. This letter was proved to be written by Mr. Hardy.

The next witness was James Davison. Being examined by Mr. Garrow, this witness stated, that he was by profession a printer, and had been a member of the London Corresponding Society. Mr. Garrow stated, that he now meant to bring evidence that a paper he had in his hand though it was printed by the witness Davison, in pursuance of the orders of Thelwall, yet that the prisoner at the bar was actually privy to and concerned in procuring such paper to be printed and published, and therefore the production of this printed paper, as a matter of evidence would go to effect the prisoner, inasmuch as, although Thelwall gave the express order for the printing the paper; the contents thereof, combined with the testimony of the witness Davison, would show that the prisoner was a party to the treasonable conspiracy, for the bringing of which into full maturity and effect, the paper now in question had been printed and dispersed.

Mr. Erskine opposed the production of this paper, insisting that it had no application to the supposed offence imputed to his client. Did the paper even contain treasonable expressions, which however, he was sure it did not, still it would not operate towards the conviction of the unfortunate person at the bar, as it had been stated by his learned friend, that it was printed by the order of Thelwall, and not by that of Hardy, who was to be presumed ignorant of its contents; but it might have an effect injurious to that innocent man (for innocent he had a right to call him, till a Jury had pronounced him to the contrary) by establishing a rule of receiving evidence that might operate to his disadvantage in a subsequent stage of the important investigation now occupying the attention of the Court.

After a number of observations from the Court, and a spirited contention among the Counsel, the paper was ordered to be read, and the examination of Davison proceeded.

The witness received the manuscript from Mr. Thelwall, with orders to print two thousand copies; having printed two hundred he carried that number to the Globe Tavern, and meeting Mr. Hardy on the stairs of that house, he (Hardy) desired the witness to take the papers home again, and return to the Tavern to Dinner, this being the day of the Anniversary meeting, from whence a messenger was, in the course of the day, dispatched for some of the copies, which were accordingly brought to the Tavern. He staid there till about ten o'clock at night. He printed about six thousand of these papers at different times, and occasionally delivered them when applied for to the members of the Society, making the Society at large debtors for the whole.

*Question from Mr. Garrow.* Do you know Mr. Martin?

*Ans.* I have some times seen him.

*Mr. Garrow.* Who was the chairman at the anniversary dinner meeting of the London Corresponding Society, at the Globe Tavern in January, 1794.

*Ans.* Mr. Martin was chairman.

*Mr. Garrow.* Have you ever held conversation with Mr. Martin?

*Ans.* Yes; I went to his house respecting the paper which Mr. Thelwall had directed me to print, and observed to him that I thought there were some *hard words* in the resolutions and toasts; upon which he said that the whole was perfectly constitutional, and would be attended with no sort of danger. This satisfied me. (Richard Williams proved the hand-writing of Mr. Thelwall.)

*Mr. Garrow* contended that Thelwall acted in this instance as agent to the society, and that therefore Hardy was a party to this act, as in matters of conspiracy of treason, the act of

one is, in the construction of the legislature, the act of all the parties concerned.

Mr. Erskine and Mr. Gibbs maintained a contrary doctrine, insisting that Thelwall alone, and not Hardy was responsible for the contents of the paper in question.

Here follows a copy of what was printed by the witness Davison, by the direction of Thelwall,

*At a General Meeting of the London Corresponding Society, held at the Globe Tavern, Strand, January, 1794, Citizen John Martin in the Chair, the following Address to the People of Great Britain and Ireland was read and agreed to.*

CITIZENS,

We find the nation involved in a war, by which, in the course of ONE campaign, immense numbers of our countrymen have been slaughtered; a vast expence has been incurred, our trade, commerce, and manufactures, are almost destroyed, and many of our manufacturers and artists are ruined, and their families starving.

To add to our affliction, we have reason to expect, that other taxes will be soon added to the intolerable load of imposts and impositions with which we are already overwhelmed; for the purpose of defraying the expences which have been incurred, in a fruitless crusade, to re establish the odious despotism of France.

When we contemplate the principles of this war, we confess ourselves to be unable to approve it, as a measure, either of justice or discretion;—and if we are to form our calculation of the result, from what has already passed, we can only look forward to defeat and the eternal disgrace of the British name.

While we are thus engaged in an expensive and ruinous foreign war, our state at home is not less deplorable.

We are every day told, by those persons who are interested in supporting the *corruption* list, and an innumerable host of *sinecure* placemen, that the constitution of England is the perfection of human wisdom; that our laws (we should rather say, *THEIR* laws) are the perfection of justice; and that *their* administration of those laws is so impartial and so ready, as to afford an equal remedy, both to the rich and to the poor; by means of which, we are said to be placed in a state of absolute freedom, and that our rights and liberties are so well secured to us as to render all invasion of them impossible.

When we ask, how we enjoy these transcendent privileges, we are referred to MAGNA CHARTA, and the BILL of RIGHTS; and the glorious REVOLUTION, in the year 1688, is held out to us, as the bulwark of British liberty.

## CITIZENS,

We have referred to *Magna Charta*, to the *Bill of Rights*, and to the *Revolution*, and we certainly do find, that, of the venerable constitution of our ancestors, hardly a vestige remains.

The only chapters of the charter, which are now in legal existence, are the 14th and 19th.

The important provision of the 84th chapter runs thus :

A freeman shall not be amerced for a small fault, but after the manner of the fault; and for a great fault after the greatness thereof, saving to him his contencement; and a merchant likewise, saving to him his merchandize; and any other's villain than ours shall be amerced, saving to him his wainnage; and none of the said amercements shall be assesed, but by the oath of honest and lawful men of the vicinage.

But by the usurped power of the judges, in assessing fines (and what fines!) in the cases of misdemeanour, this glorious right of the subject, of having these fines assesed by the jury (the only possible protection from slavery and the vilest of oppression) is unjustly and infamously ravished from us.

The provision of the 29th chapter runs thus :

No freeman shall be taken or imprisoned, or be disseised of his freehold, or liberties, or free custom, or be out-lawed, or exiled, or any otherwise destroyed, nor we will not pass upon him, nor condemn him, but by the lawful judgment of his peers, or by the law of the land. We will sell to no man, we will not deny, or defer to any man, either justice or right.

The various methods now in constant practice, by which the benefits of this provision are totally defeated and destroyed, might induce us to suppose, that the GREAT CHARTER has been repealed; if we did not assuredly know, that it is the fundamental basis of our constitution; which even the real representatives of the people (much less the miserable nominees of HELSTONE and OLD SARUM) have not the right, nor (as we trust it will be found by experience) the POWER to repeal. Yet what do we find in practice? Unconstitutional and illegal INFORMATIONS EX OFFICIO, that is, the arbitrary will of the king's attorney-general usurping the office of the ACCUSING jury; and the interested oath of a vile common informer, with the judgment of as vile a common trading or pensioned justice, substituted in the room of our birth-right, an impartial trial by our country.

Add to this, that the exorbitant expence of judicial proceedings, the novel practice of arbitrarily and repeatedly annulling the verdicts of juries, and the dilatory practice of the courts, most openly and shamefully contradict the clause which forbids the denial, the delay, and the sale of justice.

A man accused of **FELONY** (for which, by the common law of England, his life and goods are forfeited) may be bailed, on finding two sureties for forty pounds each: but, upon a charge of **MISDEMEANOR** by *words only*, bail to the amount of **ONE THOUSAND POUNDS** has been demanded.

Upon conviction also, for such **nisdemeanor**, enormous fines, long and cruel imprisonments, unknown to our ancient laws, and unsanctioned by any new statutes, have of late (and but of late) been too frequently and too oppressively inflicted. And all this, although by this bill of rights it is declared, that "excessive bail shall not be demanded, nor cruel, and unusual punishments inflicted."

If we look to **IRELAND**, we find that acknowledged privilege of the people, to meet for the support and protection of their rights and liberties, is attempted, by terror, to be taken away by a late infamous act of parliament; whilst titles of honour—no, but of dishonour—are lavished, and new sources of corruption opened, to gratify the greedy prostitution of those, who are the instruments of this oppression.

In **SCOTLAND**, the wicked hand of power has been impudently exerted, without even the wretched formality of an act of parliament. Magistrates have forcibly intruded into the peaceful and lawful meetings of freemen, and, by force, (not only without law, but against law) have, under colour of magisterial office, interrupted their deliberations, and prevented their association.

The wisdom and good conduct of the **BRITISH CONVENTION**, at Edinburgh, has been such, as to defy their bitterest enemies to name the law which they have broken: notwithstanding which their papers have been seized, and made use of as evidence against them, and many virtuous and meritorious individuals have been, as cruelly as unjustly, for their virtuous actions, disgraced and destroyed by infamous and illegal sentences of transportation. And these unjust and wicked judgments have been executed with a rancour and malignity never before known in this land; our respectable and beloved fellow-citizens have been cast fettered into dungeons, amongst felons, in the **Hulks**, to which they were not sentenced.

#### C I T I Z E N S:

We all approve the sentiments, and are daily repeating the words, for which these our respectable and valuable brethren are thus unjustly and inhumanly suffering. We, too, associate in order to obtain a fair, free, and full representation of the people, in a house of real national representatives. Are we also willing to be treated as felons, for claiming this our inherent right, which we are determined never to forego

but with our lives, and which none but thieves and traitor can wish to withhold from us: Consider, it is one and the same corrupt and corrupting influence, which, at this time, domineers in Ireland, Scotland, and England. Can you believe, that those who send virtuous Irishmen and Scotchmen fettered, with felons, to Botany Bay, do not meditate, and will not attempt, to seize the first moment to send us after them? Or, if we had not just cause to apprehend the same inhuman treatment; if, instead of the most imminent danger, we were in perfect safety from it, should we not disdain to enjoy any liberty or privilege whatever, in which our honest Irish and Scotch brethren did not equally and as fully participate with us? Their case, then, and ours is the same; and it is both our duty and interest to stand fast together. The Irish parliament, and the Scotch judges, actuated by the same English influence, have brought us directly to the point. There is no farther step beyond that which they have taken. We are at issue. We must now choose at once either liberty or slavery for ourselves and our posterity. Will you wait till BARRACKS are erected in every village, and till subsidized Hessians and Hanoverians are upon us?

You may ask, perhaps, by what means shall we seek redress?

We answer, that men in a state of civilized society are bound to seek redress of their grievances from the laws, as long as any redress can be obtained by the laws. But our common master, whom we serve (whose law is a law of liberty, and whose service is perfect freedom) has taught us not to expect to gather grapes from thorns, nor figs from thistles. We must have redress from our own laws, and not from the laws of our plunderers, enemies, and oppressors.

**THERE IS NO REDRESS FOR A NATION CIRCUMSTANCED AS WE ARE, BUT IN A FAIR, FREE, AND FULL REPRESENTATION OF THE PEOPLE.**

**RESOLVED**, That during the ensuing session of parliament, the general committee of this society do meet daily, for the purpose of watching the proceedings of the parliament, and of the administration of the government of this country: And that upon the first introduction of any bill, or motion, inimical to the liberties of the people, such as, for **LANDING FOREIGN TROOPS IN GREAT BRITAIN OR IRELAND**, for suspending the **HABEAS CORPUS ACT**, proclaiming **MARTIAL LAW, OR FOR PREVENTING THE PEOPLE FROM MEETING IN SOCIETIES** for **CONSTITUTIONAL INFORMATION**, or any **OTHER INNOVATION** of a similar nature, that, on any of these emergencies, the general committee shall issue summonses to the delegates of each division, and also to the

secretaries of the different societies affiliated and corresponding with this society, forthwith to call a GENERAL CONVENTION of the PEOPLE, to be held at such a place, and in such manner, as shall be specified in the summons, for the purpose of taking such measures into their consideration.

Resolved, That the preceding address and resolution be signed by the chairman, and printed and published.

J. MARTIN, Chairman.

T. HARDY, Secretary.

COMMITTEE ROOM, January 23. 1794.

RESOLVED UNANIMOUSLY,

That a hundred thousand copies of the address to the people of Great Britain and Ireland, voted at the general meeting, be printed and distributed by the society,

Resolved Unanimously, That the following toasts, drank at the anniversary dinner of the society, be printed at the end of the address :

I. THE RIGHTS OF MAN ; and may Britons never want spirit to assert them.

II. *The British Convention*, lately held as Edinburgh ; and success to the important object it had in view.

III. *Citizen William Shirvin*, charged by the sentence of the court of justiciary, with the honour of being the cause of calling that convention.

IV. *The London Corresponding Society*, and other patriotic societies of Great Britain and Ireland.

V. *Citizen Maurice Margarot*, the condemned delegate of this society ; and may his manly and patriotic conduct be rewarded by the attachment of the people.

*Citizen Gerald* then arose and in a stream of inspiring eloquence, pronounced the just eulogium of this truly valuable citizen, so emphatically called by *Citizen Aitchison* (one of the witnesses on his trial) the SECOND SIDNEY. He concluded with wishing we might rather die the last of British freemen than live the first of slaves.

VI. *Citizen Joseph Gerald*, the other delegate of this society, now under prosecution ; and may his including sentiment be engraved on every British heart.

VII. The transactions at Teuton. May Britons remember them as they ought, and profit by dear-bought experience.

VIII. *Citizen Hamilton Rowan*, and the other true patriots of they d ; and may the authors of the Conventional-bill find that they have committed a *toll*.

Spec. *Citizens Muir and Palmer*—May their sentence be readily reversed, and Botany-Bay be peopled with a colony of real criminals.

X. Success to the arms of freedom against whomsoever armed ; and confusion to the despots with whomsoever al-

XI. All that is *good* in *every constitution*, and may we never be superstitious enough to reverence in *any* that which is *good for nothing*.

XII. *Citizen Thomas Paine*—May his virtues rise superior to ~~envy~~ and suspicion, and his name still be dear to Britons.

XIII. *Lord Loughborough, the Earl of Moira, Sir Gilbert Elliot*, and the other apostates from liberty; and may they enjoy the profits of their apostacy *so long as they live*.

XIV. A speedy and honourable peace with the *brave republic of France*.

XV. The starving *manufactures* and *neglected peasantry* of Great Britain and Ireland.

XVI. *Citizen John Frost*, and a speedy restoration of that health which he lost in the dungeons of Newgate.

XVII. The *virtuous and spirited citizens*, now in confinement for matters of *opinion*; and may we shew them, by our conduct, that they are not forgotten.

Mr. Garrow then rose, and informed the Court, that he had a letter to produce, which he conceived would strongly operate towards fixing the charge of a Treasonable Conspiracy upon the prisoner, as it would prove that the writer of this letter was engaged with him in the pursuit of those overt acts, which manifestly tended to produce that most horrid catastrophe, which the members of the co operating Societies had in view. This was a letter written by Mr. Martin to Margarot, then a prisoner in the Tolbooth in Edinburgh, giving him an account of the proceedings of the anniversary meeting at the Globe Tavern; and in this letter were contained many gross representations, tending to bring the person and authority of the King into contempt; and this, though of a subordinate class, was a species of evidence to prove the general design and concert to depose his Majesty, destroy all the constituted authorities, and change the present happy form of the British Constitution into a Republican State.

Mr. Erskine objected to this letter being read, saying, that from what he collected from Mr. Attorney General's opening yesterday, he conceived this to be a private letter from Martin to Margarot, of the existence of which, it was not to be presumed, the prisoner had any knowledge; and further, it did not appear that the letter had ever reached the hands of the person to whom it purported to be addressed, or that there was any other than an unpublished manuscript of Martin. It had been stated, that this letter mentioned the King having met his Parliament, which, he must take the privilege to say, was the legal mode of expression. This letter contained a flippant expression about a woman having insulted his Majesty in the Park, by throwing a paten against his carriage window, on his return from the Parliament House; but for the narration of so paltry an anecdote, meant to be commo-

nicated from one private person to another, it was not to be inferred that any kind of criminality attached upon the prisoner. He could not but lament, that so much of the precious time of the Court had been consumed in hearing the contents of a multiplicity of letters, which had no analogy to the important business under their Lordships consideration. The second day of this important trial was already far advanced, and very little progress had yet been made. Should he, in his turn, be permitted to read all the private letters that had been written on all the subjects in any wise connected with all former State Trials ? He must enter his solemn protest against the admission of such evidence.

Mr. Gibbs said, that the observation of the Court respecting another letter, was unquestionably just ; for the Court had said that conversation either by writing or by words, during the existence of tumults, might have the effect of keeping up the spirit of discord, and such interference implied criminality, whether the parties were or were not personally engaged in tumultuous proceedings—but this case was widely different.

Mr. Erskine said, that admitting the absurdity, rashness, folly, or even the illegality of the phraseology of Mr. Martin's letter, still no part of it could apply to the case of the prisoner, who stood charged on the record with compassing and imagining the death of the King ; and he was persuaded the Court would not suffer the rules of evidence to be stretched so far as to permit the production of a letter towards the proof of such atrociously wicked compassing and imagining, when it was not even pretended that the prisoner knew of such letter being written.

The Solicitor General said, the letter was of the nature of a conversation between two persons engaged in a conspiracy, and therefore it would tend to shew the general and ultimate object of their treasonable confederacy. The learned gentleman instanced the cases of Lords Stafford and Lovatt, in both of which letters of a similar kind had been admitted ; and on this head he quoted the words of the then Attorney General ; adding, that nothing could tend more satisfactory to explain the object to be effectuated by persons engaged in a conspiracy than the developement of their private and confidential communications.

The Lord President said, that as no proof had been given, that Mr. Martin's letter having been transmitted to Margaret, it was not, in his idea, to be understood as tantamount to a conversation between the parties, even supposing them proved guilty of a conspiracy. The learned judge judged the letter inadmissible ; Mr. Sarjeant Adair thought a part of the letter would not be proper to send to the consideration of the jury.

Mr. Erskine said, Mr. Garrow in explaining the nature of

the contents of the letter, had done it with great fairness and liberality, suppressing those passages which he (Mr. Erskine) deemed it improper to bring forward—but then another counsel for the Crown rises, and reads those very lines, and those alone which ought to be kept back—and then my lords you may ineffectually admonish the jury to throw out of their consideration these passages; for however uprightly men may mean, it is not possible for them to discharge and expunge from their minds impressions that have once deeply impressed them.

The other judges not concurring in opinion with the Lord President as to the inadmissibility of the letter, it was of course received in evidence.

The next letter produced was one from the Sheffield Society addressed to Hardy, but found on Thelwall. Mr. Erskine opposed the reading of this letter, urging that though addressed to him, it had no further relation to his client, who had not been accustomed to hold correspondence with the Society by whom it was written.

*Mr. Garrow* said, that Thelwall acted in capacity of agent to the London Corresponding Society, and co-operated with Hardy in transacting its concerns; and the superscription indicated he was informed of the subject of the letter.

The Bench concurring in the sentiments of *Mr. Garrow*, the letter was read; and the purport of it was, that notwithstanding the obstructions the society had to contend with, an accession of new members was obtained at every meeting, and it was the determination of the Society to persevere in their endeavours till they should obtain a full and radical reform.

A letter addressed to Hardy from Maurice Margarot, signed with the initials of his name, then confined in the Talbooth Edinburgh, was produced, Mr. Gurnell, one of the king's messengers, who proved that he found it upon the person of the prisoner. The writer of this letter desires if Hardy should publish the trial of the writer, that he would prefix to it an engraving of his person, and refers to apply to Mrs. Margarot for a miniature painting, to enable the engraver to give a likeness. He acknowledges the receipt of a note from Hardy; says he is now more strictly confined than had before been customary, an additional padlock being put on his door, and the key of it carried every evening to the magistrate. He says that people of property no longer disdain to sit cordially down with honest mechanics in their leather aprons; and as the rich are forming themselves into armed associations, he sees no reason why the poor should not do the same; and asks if the mob would not be better for a little bleeding.

A letter from John Lawrence, secretary to the Bristol So-

ciety for Constitutional Information, and addressed to the prisoner, was read, where he says that Hardy's Second Epistle to the Bristol Society, had vivified the patriotism of the members, and animated them vigorously to persevere in the *God-like* cause in which they were engaged.

A number of circular letter from the London Corresponding Society, and with Mr. Hardy's signature, were now produced; and Mr. Lawzun and Mr. Gurnell, two of the King's Messengers, proved seizing the same in the prisoner's house.

The object of this letter appeared to be to encourage the members of the different societies strenuously to go on in the career which they had undertaken, and it says that men who were capable of being deterred by prosecutions and menaces were unworthy to enjoy the blessings of liberty. It was also said in this letter that an important and critical period was arrived; and as a convention bill was about to be passed, it became their duty to oppose it.

A letter written by Hardy, to one of his friends, was read, where he gives an account of having visited Margarot on board the ship in which he was to be transported; of his being in good health and spirits, with the consciousness of having done no more than his duty, and the consolation of knowing his suffering were not produced by any bad conduct. He asks the person to whom it is addressed, what he thinks of a Convention?

A letter from a member of a society, at Newcastle upon Tyne, was read, where the writer says, his present application is in consequence of seeing Hardy's name advertised as Secretary of the London Corresponding Society, and desires to be informed of the particulars of the plan of that institution, which the Newcastle Society mean to make their example.

A draft of an answer to the above, was next read, where the members of the society at Newcastle are exhorted in the name of God, to continue their exertions for the suppression of monarchial tyranny. Mention is made that the Corresponding Society meets twice a week; that some of its resolutions shall be sent; and it concludes with wishing tyranny may expire under the guillotine.

A letter to Hardy, from Norwich, mentions two subscriptions to the society of one hundred pounds each, and one of twenty pounds, had been made to the society, which is represented as in a flourishing state.

A letter from a society at Hereford, desires information as to what besides the communication of useful knowledge is meant to be obtained by the London Corresponding Society.

The draft of an answer to the above purpose, that, exclusive of the diffusion of general knowledge, the object of the London Corresponding Society, is to stop the progress of despotism, to represent virtue in her true and beautiful colours, and expose the deformity of vice; and to cultivate and per-

manently secure the Rights of Man. Mr. Gurnell, Mr. Lauzun, and Mr. Timms, proved finding the above papers in possession of the prisoner.

A letter written by Hardy, returns thanks to the Society for Constitutional Information, for two hundred copies of Resolutions, and two hundred Letters to Dundas, saying, they shall be seen by as many thousand people.

Mr. Daniel Adams being sworn, he said he was formerly Secretary to the Constitutional Society; and a book being handed to him, he said it was one in which he entered the minutes of the proceedings of the society. This book he said was free for the inspection of members; and that at every meeting the minutes of the preceding meeting were read.

The minutes of the meeting of the Constitutional Society, held at the Crown and Anchor, on the 11th of August 1792, and the subsequent days were then read. These related to the admission of six members from the London Corresponding Society; their thanks to Mr. Paine for his works; their declining his offer of a *thousand pounds* from the profits of the sale of the Rights of Man, to be applied to such purposes as the Society may think proper.—The ground on which they declined this offer was, that the principal source of his enjoyment they said must arise from his own consciousness of the good which his labours had rendered to mankind; yet they did not think it right, that he should be deprived of the profits fairly resulting from those labours.

As much stress was laid by the Counsel for the prosecution on the sanction and adoption thus given to the works of Mr. Paine, we subjoin a list of the members present at those meetings.

Mr. FROST	Mr. J. H. TOOKE
Mr. EDWARDS	Mr. BONNEY
Mr. J. WILLIAMS	Mr. PAYNE
Dr. MAXWELL	Mr. HULL
Mr. SHARPE	Mr. PIERSON
Dr. KENTISH	Mr. STURCH
Mr. G. WILLIAMS	Mr. CONSTABLE
Mr. RIVINGTON	Capt. HARWOOD
Mr. BUSHE, sen.	Mr. BUSHE, jun.
Mr. TUFFNELL	Mr. MAILLOW
Mr. LINDE	Lord SEMPILL
Mr. FITZGERALD	Mr. BARBELOW
Mr. JENNINGS	Mr. ALLEN
Mr. CHAPMAN	Mr. ASPINHALL
Mr. HARDY	Mr. GRANT
Capt. PERRY	Dr. TOWERS
Mr. GERALD	Mr. LITTLEJOHN
Mr. RUTT	Mr. SUTTON

Mr. MOORE  
Mr. GOUGH  
Mr. JOYCE

Mr. MARTIN  
Mr. SIMMONS  
Mr. WALSH, &c.

Mr. Jordan was sworn, and a paper being shewn him, he was asked if it was in the hand writing of Mr. Paine. He believed this to be Mr. Paine's writing, but could not swear it; for though, in the course of business, he had frequently received notes from Mr. Paine, he had never seen him write. He published *The Rights of Man* for Mr. Paine, but could, not swear that a copy shewn to him was one of the identical books published by him; but from his name appearing in the title page, and other circumstances, it very probably might be one of the books published by him.

Being asked by whom the book was printed, he said by Mr. Chapman. Here Mr. White, Solicitor to the Treasury, mentioned that the person who had purchased the copy of the book, called *The Rights of Man*, was dead. Thus a temporary chasm occurring in the evidence, the Bench informed the Jury, that if they wished for refreshment, they might avail themselves of the present opportunity. The Court then adjourned for an hour.

The Court being resumed, Mr. Lauzan, the Messenger, was called in, and proved his signature to a copy to *The Rights of Man* seized in the prisoner's house.

A letter was then read from Mr. Paine to the People of France, dated Sept. 25, 1792; in this letter he returns them thanks for having elected him a French Citizen, and a Member of the Convention, and on having broken the line which limited patriotism, like vegetation, to the soil. Theirs, he said, was not the paltry cause of Kings, but the great cause of mankind — He should therefore cheerfully join their cause, and embrace their hazards. He congratulated himself on the share which he had taken in the American Revolution, and the more as it now appeared that the *Old World* had been regenerated as it were by the efforts of the *New*. — He observes that it is impossible to conquer a nation determined to be free, but that Kings, accustomed to make war only on each other, had no idea of the resources of an armed nation. The latter were always found at their height when they were expected to be at an end, &c.

Mr. Chapman proved that, by the direction of Mr. Paine, he printed the first part of *The Rights of Man*, from the manuscript provided by the author; but that not receiving sufficient copy to complete the Second part of the work, he proceeded only as far as page 128. The witness believed the copy on the table to have been printed by him.

The Clerk at the table now read the following extracts of *The Rights of Man*, which in so marked a manner had re-

ceived the sanction and patronage of the Society for Constitutional Information, and the London Corresponding Society, in respect to the avowed anti-monarchical principles of the author.

### RIGHTS OF MAN. PART I.

Page 54.—“ Can then Mr. Burke produce the English Constitution? If he cannot, we may fairly conclude, that though it has been so much talked about, no such thing as a constitution exists, or ever did exist, and consequently that the people have yet a constitution to form.

“ Mr. Burke will not, I presume, deny the position I have already advanced; namely, that governments arise either *out* of the people or *over* the people. The English government is one of those which arose out of a conquest, and not of society, and consequently it arose over the people; and though it has been much modified from the opportunity of circumstances since the time of William the Conqueror, the country has never yet regenerated itself, and is therefore without a constitution.”

Page 55.—“ A government on the principles on which constitutional governments arising out of society are established, cannot have the right of altering itself. If it had, it would be arbitrary. It might make itself what it please; and wherever such a right is set up, it shews there is no constitution. The act by which the English Parliament empowered itself to sit seven years, shews there is no constitution in England. It might, by the same self-authority, have sat any greater number of years, or for life. The bill which the present Mr. Pitt brought into Parliament some years ago, to reform Parliament, was on the same erroneous principle. The right of reform is in the nation in its original character, and the constitutional method would be by a general convention elected for the purpose.”

Page 66.—“ Much is to be learned from the French constitution. Conquest and tyranny transplanted themselves with William the Conqueror from Normandy into England, and the country is yet disfigured with the marks. May then the example of all France contribute to regenerate the freedom which a province of it destroyed!”

Page 152.—“ The two modes of government which prevail in the world, are, *first*, Government by election and representation, *secondly*, Government by hereditary succession. The former is generally known by the name republic; the latter by that of monarchy and aristocracy.

“ Those two distinct and opposite forms, erect themselves on the two distinct and opposite basis of Reason and Ignorance.—As the exercise of Government requires talents and

abilities, and as talents and abilities cannot have hereditary descent, it is evident that hereditary succession requires a belief from man, to which his reason cannot subscribe, and which can only be established upon his ignorance; and the more ignorant any country is, the better it is fitted for this species of Government."

Page 156. — " From the Revolution of America and France, and the symptoms that have appeared in other countries, it is evident that the opinion of the world is changing with respect to systems of Government, and that revolutions are not within the compass of political calculations. The progress of time and circumstances, which men assign to the accomplishment of great changes, is too mechanical to measure the force of the mind, and the rapidity of reflection, by which revolutions are generated: All the old governments have received a shock from those that already appear, and which were once more improbable, and are a greater subject of wonder, than a general revolution in Europe would be now.

" When we survey the wretched condition of man under the monarchical and hereditary system of Government, dragged from his home by one power, or driven by another, and impoverished by taxes more than by enemies, it becomes evident that those symptoms are bad, and that a general revolution in the principles and construction of Governments is necessary.

" What is Government more than the management of the affairs of a nation? It is not, and from its nature cannot be, the property of any particular man or family, but of the whole community, at whose expence it is supported; and though by force or contrivance it has been usurped into an inheritance, the usurpation cannot alter the right of things. Sovereignty, as a matter of right, appertains to the nation only, and not to any individual; and a nation has at all times an inherent and indefeasible right to abolish any form of Government it finds inconvenient, and establish such as accords with its interests, disposition, and happiness. The romantic and barbarous of men into Kings and subjects, though it may suit the condition of courtiers, cannot that of citizens; and is exploded upon the principle upon which Governments are now founded. Every citizen is a member of the sovereignty, and, as such, can acknowledge no personal subjection; and his obedience can be to the laws.

" When men think of what Government is, they must necessarily suppose it to posses a knowledge of all the objects and matters upon which its authority is to be exercised. In this view of Government, the Republican system, as estab-

lished by America and France, operates to embrace the whole of a nation; and the knowledge necessary to the interest of all the parts, is to be found in the center, which the parts by representation form: but the old Governments are upon a construction that excludes knowledge as well as happiness; Government by Monks, who know nothing of the world beyond the wall of a Convent, is as consistant as government by Kings.

“ What were formerly called Revolutions, were little more than a change of persons, or an alteration of Local circumstances. They rose and fell like things of course, and had nothing in their existence or their fate that could influence beyond the spot that produced them. But what we now see in the world, from the Revolutions of America and France, are a renovation of the natural order of things, a system of principles as universal as truth and the existence of man, and combining moral with political happiness and national prosperity.

Page 161.—“ As it is not difficult to perceive, from the enlightened state of mankind, that hereditary Governments are verging to their decline, and that revolutions on the broad basis of national sovereignty, and Government by representation, are making their way in Europe, it would be an act of wisdom to anticipate their approach, and produce revolutions by reason and accommodation, rather than commit them to the issue of convulsions.

“ From what we now see, nothing of reform in the political world ought to be held improbable. It is an age of revolutions, in which every thing may be looked for. The intrigues of Courts, by which the system of war is kept up, may provoke a confederation of nations to abolish it: and a European Congress, to patronize the progress of free Government, and promote the civilization of nations with each other, is an event nearer in probability, than once, were the revolutions and alliance of France and America.”

#### PART SECOND.

Page 21.—“ All hereditary government is in its nature tyranny. An heritable crown, or an heritable throne, or by what other fanciful name such things may be called, have no other significant explanation than that mankind are heritable property. To inherit a government, is to inherit the people, as if they were flocks and herds.”

Page 27.—“ How irrational then is the hereditary system which establishes channels of power, in company with which wisdom refuses to flow! By continuing this absurdity, man is perpetually in contradiction with himself; he accepts, for a king, or a chief magistrate, or a legislator, a person whom he would not elect for a constable.”

Page 47 —“ This convention met at Philadelphia in May 1787, of which General Washington was elected president. He was not at that time connected with any of the state governments, or with congress. He delivered up his commission when the war ended, and since that had lived a private citizen.

“ The convention went deeply into all the subjects ; and having, after a variety of debate and investigation, agreed among themselves upon the several parts of a federal constitution, the next question was, the manner of giving it authority and practice.

“ For this purpose, they did not, like a cabal of courtiers, send for a Dutch Statholder, or a German Elector ; but they referred the whole matter to the sense and interest of the country.

“ They first directed, that the proposed constitution should elect a convention, expressly for the purpose of taking into consideration, and of ratifying and ratification of any nine states should be given, that those states should proceed to the election of their proportion of members to the new federal government ; and that the operation of it should then begin, and the former federal government cease.”

Page 52.—“ The history of the *Edwards* and the *Henries*, and up to the commencement of the *Stuarts*, exhibits as many instances of tyranny as could be acted within the limits to which the nation had restricted it. The *Stuarts* endeavoured to pass those limits, and their fate is well known. In all those instances we see nothing of a constitution, but only of restrictions on assumed power.

“ After this, another *William*, descended from the same stock, and claiming from the same origin, gained possession ; and of the two evils, *James* and *William*, the nation preferred what it thought the least ; since, from circumstances, it must take one. The act called the Bill of Rights, comes here into view. What is it, but a bargain, which the parts of the government made with each other to divide dowers, profits, and priveleges ? You shall have so much, and I will have the rest ; and with respect to the nation, it said, for *your share*, *you shall have the right of petitioning*. This being the bill of rights is more properly a bill of wrongs, and of insult. As to what is called the *Convention Parliament*, it was a thing that made itself, and then made the authority by which it acted. A few persons got together, and called themselves by that name. Several of them had never been elected, and none of them for the purpose.

From the time of *William*, a species of goverment arose, issuing out of this coalition bill of rights : and more so, since the corruption introduced at the *Hanover* succession,

by the agency of Walpole ; that can be described by no other name than a despotic legislation.

“ Though the parts may embarrass each other, the whole has no bounds; and the only right it acknowledges out of itself, is the right of petitioning. Where then is the constitution either that gives or that restrains power ?

“ It is not because a part of the government is elective, that makes it less a despotism, if the persons so elected, possess afterwards as a parliament, unlimited powers. Election, in this case, becomes separated from representation, and the candidates are candidates for despotism.

“ I cannot believe that any nation, reasoning on its own rights, would have thought of calling those things a *constitution*, if the cry of constitution had not been set up by the government.”

Page 63—“ With respect to the two houses, of which the English Parliament is composed, they appear to be effectually influenced into one, and, as a legislature, to have no ten per cent of its own. The Minister, whoever he at any time may be, touches it as with an opium wand, and it sleeps obedience.

“ But if we look at the distinct abilities of the two houses, the difference will appear so great, as to shew the inconsistency of placing power where there can be no certainty of the the judgment to use it. Wretched as the state of representation is in England, it is manhood compared with what is called the house of Lords ; and so little is this nick named house regarded, that the people scarcely inquire at any time what it is doing. It appears also to be most under influence, and the furthest removed from the general interest of the nation. In the debate on engaging in the Russian and Turkish war, the majority in the house of Peers in favour of it was upwards of ninety, when in the other house, which is more than double its numbers, the majority was sixty-three ”

Page 65 —“ But in whatever manner the separate parts of a constitution may be arranged, there is one general principle that distinguishes freedom from slavery, which is, that all *hereditary government over a people is to them a species of slavery, and representative government is freedom.*”

Page 107.—“ Having thus glanced at some of the the defects of the two houses of Parliament, I proceed to what is called the Crown, upon which I shall be very concise.

“ It signifies a nominal office of a million sterling a year, the business of which consists in receiving the money. Whether the person be wise or foolish, sane or insane, a native or a foreigner, matters not. Every Ministry acts upon the same idea that Mr. Burke writes, namely, that the people must be hood-winked, and held in superstitious ignorance by one bugbear or other ; and what is called the Crown answers

this purpose, and therefore it answers all the purposes to be expected from it. This is more than can be said of the other two branches."

Page 161.—The fraud, hypocrisy, and imposition of governments, are now beginning to be well understood to promise them any long career. The farce of monarchy and aristocracy, in all countries, is following that of chivalry, and Mr. Burke is dressing for the funeral. Let it then then pass quietly to the tomb of all other follies, and the mourners be comforted.

" The time is not very distant when England will laugh at itself for sending to Holland, Hanover, Zell, or Bruswick for men, at the expence of a million a year, who understand neither her laws, her language, nor her interest, and whose capacities would scarcely have fitted them for the office of a parish constable. If government could be trusted to such hands, it must be some easy and simple thing indeed, and materials fit for all the purposes may be found in every town and village in England."

The preface to The Rights of Man, and the Dedication of the second part of that work to the Marquis De la Fayette, were also read by the Clerk.

A minute of the proceedings of the Constitutional Society, dated 28th of September, was next read, including the thanks of the Society voted to Joel Barlow, Esq. for his publication, entitled Advice to the National Convention.

Mr. Johnson of St. Paul's Church Yard, was called to prove the publication of this pamphlet, of which about 5 or 600 had been sold. He was asked how many of Mr. Paine's Book had been circulated? Mr. Johnson admitted that he had sold The Rights of Man, but it was before it had been declared by the verdict of a Jury to be a libel. He appealed to the Court, when pressed on this subject, and the question was over-ruled. He admitted in reply to a more general question from Mr. Garrow, that the sale of Mr. Paine's book had been very considerable.

On being asked whether he had sold any of Paine's letter to Dundas, he replied in the negative. He had forwarded some in a parcel to the country, but could not say from what quarter they had been received.

The Clerk then proceeded to read several extracts from Mr. Barlow's Pamphlet, addressed to the National Convention, on the defects of the Constitution of 1791.

A variety of other Letters of Correspondence and Papers were produced and read in evidence. Among them was a pamphlet wrote by Joel Barlow.

Mr. Johnson was called, who proved that about one

thousand of these pamphlets were printed and published, and that it underwent three editions.

Of this pamphlet several passages were read, which purported to be an answer to Mr. Burke. In one of the passages, Kings were represented to be inimical to a popular and free government. Others contained a strong panegyric on the Revolution of France and Republican principles. This pamphlet was found in the possession of the prisoner.

Mr. Johnston also proved the publication of Paine's Letter, entitled *The Address to Addressers*, found also in the prisoner's possession.

A book of the London Corresponding Society was then produced, from which a minute was read. By this minute it appeared, that an Address of Congratulation was sent to the National Convention of France, signed by Margarot, as Chairman, and the prisoner as Secretary.

At one of the meetings of the Constitutional Society, an Address to the National Assembly was voted to be presented to the National Convention of France, by Joel Barlow and John Frost.

This Address congratulated the Assembly at Paris on the Reform of their State, and the members of the Society pledged themselves to recommend it to their countrymen an example so highly deserving their imitation. The Convention were assured of the exertion of their best endeavours, and of those of their brethren to forward this purpose with spirit and energy; and as a proof of the sincerity of their attachment, a donation of a thousand pair of shoes was offered, which should be followed by equal supplies of the same article for five succeeding weeks; and this is mentioned as a measure well adapted to concur with other patriotic measures for promoting and carrying into effect the wisdom of their revolutionary councils.

On presenting this address, the deputies received the honour of the national embrace, and on their retiring, every enthusiastic mark of of applause and admiration was shewn them.

In this address, the ever memorable event of the 10th of August, is spoke of preliminary to future great and splendid achievements, and the establishment of a new Constitution, founded on the firm basis of the principles of reason and the laws of nature, and which would give freedom and happiness to the oppressed, and hurl mesited punishments upon the tyrants and oppressors of mankind. The address concludes with an exhortation to the legislators of France, to persevere with unabating vigour and energy in the arduous task they have already so successfully commenced. The prize of this great and glorious enterprize will be the wreaths of honour and

fame, which are to entwine the brows of the members of the Convention, and become the admiration and envy of surrounding nations. With us, it is said in the address, the sparks of liberty are like the corruscations of the Northern Aurora, which serve but to render darkness invisible. The Republic of America, though it emits a strong, yet from the remoteness of its situation, it is but a feeble ray. It was reserved for the authors of the Revolution in France, to break through and disperse thick mists and darkness, and pour its broad effulgence through this, our obscured hemisphere, and, like a maridian Sun, to dispel those clouds of ignorance and oppression, which despotism has spread around the European world.

The address was received in the convention, and an answer to it voted, containing an invocation to the shades of Pym, Hampden, and Sidney, who bravely died in defence of the liberty of their country.

It was proved that Mr John Horne Tooke was chairman of the Constitutional Society, at the Crown and Anchor in the Strand, on the 19th of October, 1792, when a resolution was passed expressive of their approbation of the answer proposed to be sent to Mr. Joel Barlow, and expressive of their wish to adopt the address proposed by him to the National Assembly of France, at the same time ordering his letter to be published, and appointing a committee of delegates to confer with the Corresponding Society, on the address to the assembly.

The minutes of the Constitutional Society on the 26th of October, and those down to the 27th of December, 1792, were read.

Mr. Maclane, one of the King's messengers, being called, some papers were shewn to him, which he proved to have been found in the possession of Mr. Adams, Secretary to the Society for Constitutional Information; and it appeared that these were papers transmitted by Messrs. Frost, Barlow, and other members of the associated and co-operating societies.

Mr. Wood proved a letter addressed to Mr. J. H. Tooke, to be in the hand-writing of Mr. Frost, under date of Paris. September 20th, 1792. This letter spoke in terms of high exultation of the exploit of the 10th of August, as a leading step to the emancipation of mankind, from the intolerable despotism of kingly authority, and recommending the people of England to follow the example of France, and *lift themselves up* against the perfidious court of St. James's, whose infernal policy had made so many victims of the subjects of the two nations, and fomented dissensions between, for the purpose of tyrannizing over them. The letter also made an offer of supplying the English association with musquets, bayonets, pikes, and other arms, and declared that the soldiers of French li-

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berty, would be ready to act in conjunction with their brothers in England, in opposing the progress of despotism.

And a hope was expressed, that the period was nearly arrived when the French Convention would have an opportunity of sending congratulatory addresses to a National Assembly in England.

A letter from Mr. Frost, written at Paris, was read, mentioning the arrival of himself and his fellow deputy Barlow, wherein an account is given of Mr. Paine having entered himself on the rof of parliament, and being received in the assembly with great acclamations and applause; and the affair of the 10th of August, is mentioned in terms of triumph, and as a leading measure to destroy the general system of monarchical government.

Mr. Huskinson, a gentleman holding a very respectable situation in the office of the Right Honourable Henry Dundas, one of his Majesty's principal Secretaries of State, was sworn. This gentleman said he was at Paris on the 10th of August, 1792, being then a resident in the house of the British Ambassador. That he heard on that day repeated discharges of musquetry, proceeding, as he understood from the people attempting to force their way into the palace, and others opposing their passage; that he perceived the buildings attached to the palace on fire; that the governor of the palace fled from thence for safety, and took shelter in his lodgings; that on account of the popular tumults prevailing, he remained at home during the day; but walking towards the palace, towards the evening, i.e. perceived the buildings adjoining and near it still burning, soon after which he was stopped by the guards, but released in a short time. One of the counsel for the Crown, begged it might be held in recollection, that this was the state of Paris, at the time spoken of in such terms of triumph and exultation, in a letter lately read to the court.

Mr. Huskinson was proceeding in a narrative of the proceedings among the populous of Paris on the 10th of August, when the Lord President interrupted, requesting, that he would go no further into a relation of occurrence which had now become a part of history. The witness was proceeding, when the Lord president said, The whole is, that on the day you have mentioned, there was a great tumult, and much

blood-shed near the palace, which was the residence of the King of France and his family, who in consequence of those occurrences sought for shelter in the hall of the Legislative Assembly, where they were made prisoners, and were not restored to liberty.

*Mr. Erskine.* I am content, it shall stand, though I cannot see for what purpose a witness is brought here to prove what every one knows.

Mr. Maclane proved finding in the custody of Mr. Adams, a letter, written in French, from a popular society at Loan, addressed to the Constitutional Society, stiling the members, " Generous Republicans," and hoping the time was near, when the Rights of Man would be universally acknowledged. A letter of the same tendency, and with the same address, from a Society at Macon, was read.

While the clerk at the table read the translations of the letters from the two societies, Mr. Huskinson looked at the same in the original language, and suggested two or three slight alterations for making the translations correctly literal

Mr. Woodfall proved the hand-writing, and Mr. Thompson that the papers were found among Mr. Tooke's, when seiz'd. The passage of moment was that, stating a patriotic gift of 4000 livres to be for the defence of France, " against all the tyrants who have dared, or who shall dare to attack her liberty, without excepting any one, even if he were of my own country.

The proceedings of a meeting of the Society for Constitutional Information, in January, 1793, were read, containing resolutions for admitting citizens St. Andre, Barrere, and Roland, honorary members of the Society, and declaring, that the people of Great Britain were utterly averse to a war with France.

At a meeting of the same Society, February 1, 1793—Resolved, that the speeches of St. Andre and Barrere, as printed in the Paris Gazette Nationale, or Moniteur, be entered on the books of the Society.

The following passage is extracted from St. Andre's speech;

" Your right to decide the fate of the king, arises from your being a revolutionary assembly, created by the nation in a state of insurrection.

" Barrere's speech is much more full and more systematically reasoned; it is divided into several heads, from which the following extracts are taken,

" The preceding (speaking of the trial of the King) is of the highest importance to public order, absolutely necessary to the existence of liberty and connected with whatever is held most sacred by the nation. From the calmness and tem-

per, which have distinguished the deliberations of the convention on this occasion, it may be foreseen that justice and reason will direct its ultimate sentence. History will record the striking contrast between kings, who, in the midst of the dissipation of courts, sign proscriptions and death warrants for the destruction of thousands of citizens, and the representatives of the people, who deliberate with wisdom and caution on the punishment of a single despot.

It is the destiny of kings to be the occasion of the calamities of the people, whether they remain on their thrones, or whether they are precipitated from them.

## PART II.

### Whether the *Person of the King* be inviolable.

The people of Paris, by making an holy insurrection against the king on the 10th of August, deprived him of his character of inviolability. The people of the other departments applauded this insurrection, and adopted the consequence of it. The people have therefore formally interposed to destroy this royal inviolability. The tacit consent of the people rendered the person of the king inviolable. The act of insurrection was a tacit repeal of that consent and was founded on the same grounds of law as the consent itself.—The king's person is inviolable only with relation to the other branches of the legislature, but not with relation to the people.

## PART III.

### Whether an *Appeal shall be made to the people?*

The people is the Sovereign.

\* A Convention differs from an ordinary legislature in this respect. A legislature is only a species of superintending magistracy, a moderator of the powers of government. A convention is a perfect representation of the Sovereign. The members of the legislative assembly acted in August upon these principles. In summoning the Convention, they declare, that they saw but one measure which could save France; namely, to have recourse to the supreme will of the people, and to invite the people to exercise immediately that unalienable right of Sovereignty which the Constitution had acknowledged, and which it could not subject to any restriction. The public interest requires that the people should manifest their will by the election of a National Convention, formed of representatives invested by the people with unlimited powers. The people did manifest their will by the elec-

tion of that Convention. The Convention being assembled, is itself that sovereign will which ought to prevail. It would be contrary to every principle to suppose that the Convention is not alone exclusively the expression of the general will.

" The powers of the Convention must, from the very nature of the Assembly, be unlimited with respect to every measure of general safety, such as the execution of a tyrant.—It is no longer a Convention if it has not power to judge the King.

" A Convention is a constituent Body *i. e.* a body that is to make a constitution for the people.—A legislature makes laws under an established constitution, and in conformity to it. It is despotism when in the ordinary and permanent establishment of a state there is no separation of powers; but it is of the very essence of a constituent body to concentrate for the time all authority.—It is the very nature of a National Convention to be the temporary image of the nation, to unite in itself all the powers of the state, to employ them against the enemies of liberty, and to distribute them in a new social compact called a constitution.

" Behold that Constituent Assembly which laid the first foundations of your liberty! Behold that revolutionary genius, which broke through every impediment, exceeded its delegated authority, created its own powers according to the exigencies of liberty, and to the occasional wants of the people, destroyed all prejudices by the force of that public opinion to which it gave birth, obliterated all privileges, abolished all the Parliaments, changed the form and tenure of all property, as well as the measure and sign of all value, and made a perjured King its prisoner: nothing was wanting to immortalize that assembly, but to have delivered France from the calamity of kingly Government, and to have relieved you from the duty of judging the last of your Kings.

" With this example before your eyes, you hesitate even in the first step of your duty. Am I then no longer in the midst of this National Convention, whose honourable mission it was to destroy Kings and Royalty?"

Mr. Huskinson and Mr. Deboffe were called to prove the Moniteur's genuine Paris papers.

*Mr. Erskine.*—" Do you call this evidence?"

**COURT.**—Not evidence as to any particular person, but reasonable in evidence as to general facts."

*Mr. Erskine.*—" I desire only that it may be understood, that these speeches are reports of what members of the French Convention said in their places of that Convention."

Mr. Huskinson was then called to the accuracy of the translation of the speeches; but his objections were so nu-

merous that the counsel for the crown requested a new translation from the witness.

Feb. 1, 1793.—Read a letter from the Society for Constitutional Information at Birmingham, and admitted as members twelve persons recommended in the letter—Read the answer from Birmingham, dated March 25, to the communication of the above proceeding.

The proceedings of several other meetings of this Society, as they appear in the report of the Secret Committee of the House of Commons were read; and it being past ten o'clock.

Mr. Gibbs complained of indisposition, consequent an excessive fatigue, adding that as there appeared no probability of soon coming to a conclusion of the written evidence, and as it was now ten o'clock at night, he begged leave of the court to suggest his wish for an adjournment.

Mr. Erskine suggested to the court, that his learned coadjutor, Mr. Gibbs, was so extremely fatigued with the laborious duty of the day, as to render his retiring very desirable to him. It was then past ten o'clock, and the fatigue, inseparable from the business of the day, was easy to be conceived. It was to be noticed, that the prisoner's counsel had a harder duty to perform than the counsel for the crown, because the number of the latter being so great, one could be occasionally absent for a whole day, but there being only two for the prisoner, neither of them could be spared. Mr. Erskine said, that from the early hour the court met in the morning, and the late period at which it adjourned at night, he saw no daylight till the business commenced.

The *Chief Justice* said, that he should certainly do every thing in his power, to accommodate the prisoner's counsel. His lordship admitted the force of the remark made by Mr. Erskine, respecting the different situation, in point of accommodation between the counsel for the crown and for the prisoner. The learned judge thought Mr. Gibbs might retire for that night, and still the business go on.

Mr. Erskine said, he hoped that after the great chaos of evidence on the part of the crown was finished, he should have some time allowed to consider it, before he was called upon to address the Jury.

The *Court* said, that every accommodation would be granted to both the prisoner's counsel that public justice would admit.

The trial then proceeded.

The proceedings of the Society on the 28th of October, 1793, were read, when it was resolved to send Delegates to the Convention at Edinburgh.—Delegates were ballotted for, and instructions to them prepared, containing references to Mr. Pitt's speeches on the Reform of Parliament, the Duke

of Richmond's letter to colonel Sharman, and particularly to Mr. Tooke's speech in the Court of King's Bench, on the case of the Westminster Election. The instruction claimed the right of suffrage for all persons, not infants, lunatics, place-men, or pensioners.

The resolutions of the Society on the dissolution by magistrates of the Convention at Edinburgh, and the prosecution of some of the members, were read.

The next minute from the book, was of their meeting of the 24th of January, which was remarkable for its epigrammatic point.—It is as follows:—

“ A motion was made, that it be resolved that the excellent Address of the London Corresponding Society, be inserted in the books of this Society, and that the King's Speech to his Parliament, be inserted under it, in order that they may both be always ready for the perpetual reference of the members of this Society during the continuance of the present unfortunate war; and that (*in perpetuum memoriam*) they may be printed together in one sheet at the happy conclusion, which according to the present prosperous appearances, we hope and believe not to be many months distant.

“ An amendment was moved, that between the words (HIS) and (Parliament) the word (Honourable) should be inserted,

“ Honourable was withdrawn.

“ Another amendment was then moved, that between the words (HIS) and (Parliament) the word (Faithful) should be inserted.

“ Faithful was withdrawn.

“ And it was unanimously resolved, that HIS, and HIS only, is the proper epithet for Parliament upon the present occasion.

“ The resolution then passed unanimously in its original form.”

The rest of the minute was immaterial.

Mr. Garrow proceeded to further minutes of the proceedings of the Society, and the most remarkable of them here follow:

It was proposed by Mr. J. H. Tooke, that two books should be prepared for the use of the Society; one bound in black, and the other in white; that in the former should be recorded the enormities of all persons deserving the disapprobation of the Society; and that in the latter should be inserted minutes of the public-spirited and patriotic conduct of such persons as were justly entitled to the commendation and applause of the Society.

On the 27th of March, and at some subsequent meetings, the two Societies held conferences, and at length came to a resolution on the expediency of holding a general meeting,

or Convention, for the purpose of determining upon the most proper means of procuring, First, a Bill for a full, fair, and equal representation of the people in Parliament.

Secondly, For recommending and urging the expediency of a frequent and cordial correspondence between the Societies engaged in the same pursuit.

Thirdly, That a friendly and fraternal intimacy should be established between the two Societies.

These resolutions were unanimously carried.

At a following meeting, a pamphlet was read, containing a general narrative of the proceedings of the two Societies ; and it was proved, that two thousand copies of this pamphlet were printed. At the request of Mr. Garrow, Mr. White read several extracts from the above pamphlet, among which were a letter of the Society to the reverend Mr. Fyshe, Messieurs Palmer, Muir, and Skirving, then on board the vessel in which they were to be transported ; together with an account of celebrating the anniversary at the Globe in the Strand, where, among many other, the following toasts were drank :

The Swine of England.

The Armies contending for Liberty.

The reign of Peace and Liberty.

May the Abettors of the Present War be its Victims.

Mr. White was proceeding to read some songs contained in this pamphlet, but he stopped, upon Mr. Garrow signifying that the recital of them would be unnecessary.

The pamphlet contains a copy of the following letter to Joseph Gerald and Maurice Margarot, together with the resolutions following the letter.

*The Society having already addressed M. Margarot, their Delegate, an ADDRESS to JOSEPH GERRALD was read as follows, and carried unanimously,*

To JOSEPH GERRALD, a prisoner sentenced by the High Court of Justiciary of Scotland, to Transportation beyond the Seas for FOURTEEN YEARS,

WE behold in your beloved and respected friend and fellow-citizen, a martyr to the glorious cause of equal representation, and we cannot permit you to leave this degraded country without expressing the infinite obligations the people at large, and we in particular, owe to you for your very spirited exertions in that cause upon every occasion ; but upon none more conspicuously, than during the sitting of the BRITISH CONVENTION of the PEOPLE at Edinburgh, and the consequent proceeding (we will not call it trial) at the bar of the court of justiciary.

We know not which most deserves admiration, the splendid talents with which you are so eminently distinguished ; the

exalted virtues by which they have been directed; the perseverance and undaunted firmness which you nobly displayed in resisting the wrongs of your insulted and much oppressed country; or your present manly and philosophical suffering under an *arbitrary*, and till of late *unprecedented* sentence: a sentence, one of the most vindictive and cruel that has been pronounced since the days of that *most infamous* and *ever-to-be detested* court of Star Chamber, the enormous tyranny of which cost the first Charles his head.

To you and to your associates we feel ourselves most deeply indebted. For us it is you are suffering the sentence of transportation with felons, the vilest outcasts of society! For us it is that you are doomed to the inhospitable shores of New Holland; where, however, we doubt not you will experience considerable alleviation by the remembrance of that **VIRTUOUS CONDUCT** for which it is imposed on you, and by the sincere regard and esteem of your fellow-citizens.

The equal laws of this country have, for ages past, been the boast of its inhabitants: But whither are they now fled? We are animated by the same sentiments, are daily repeating the same words, and committing the same actions for which you are thus infamously sentenced; and we will repeat and commit them until we have obtained redress; yet we are unpunished! either therefore the law is unjust towards you in inflicting punishment on the exertions of *virtue and talents*, or it ought not to deprive us of *our share* in the **GLORY** of the *Martyrdom*.

We again, therefore, pledge ourselves to you and to your country, never to cease demanding our rights from those who have usurped them, until having obtained an equal representation of the people, we shall be able to hail you once more with triumph to your native country.—We wish you health and happiness; and be assured we never, *never* shall forget *your name, your virtues, nor YOUR GREAT EXAMPLE.*

The London Corresponding Society.

JOHN LOVETT, Chairman.  
THOMAS HARDY, Secretary.

The 14th of April, 1794.

It was also unanimously resolved,

I. That the committee of correspondence be directed to convey the approbation of this society.—I. To Archibald Hamilton Rowan, prisoner in the Newgate in the city of Dublin, for his unshaken attachment to the people, and for his spirited assertion of their rights.

II. To John Philpot Curran for his admirable and energetic defence of A. H. Rowan, and the principles of Liberty, as well as for his patriotic conduct in parliament.

III. To the society of the united Irishmen in Dublin, and to exhort them to persevere in their exertions to obtain justice for the people of Ireland.

IV. To Skirving, Palmer and Muir, suffering the same iniquitous sentences, and in the same cause with our delegates.

V. To John Clark, and Alexander Reid, for their so readily and disinterestedly giving bail for our delegates, instigated thereto solely by their attachment to liberty, uninfluenced by any personal consideration.

VI. To Adam Gillies, Malcolm Laing, and James Gibson, for their able assistance given to Joseph Gerrald, at the bar of the high court of judicature at Edinburgh.

VII. To felicitate Thomas Walker, of Manchester, and the people at large, on the event of his, as well as several other late trials, and on the development of the infamy of a system of spies and informers.

VIII. To Sir Joseph Mawbey, for his manly conduct at the late surreptitious meeting held at Epsom in Surry.

It was also unanimously resolved,

That two hundred thousand copies of the proceedings and resolutions of this meeting be printed and published.

J. LOVETT, Chairman.  
T. HARDY, Secretary,

Resolved,

That the thanks of this meeting be given to the chairman, for his manly and impartial conduct this day.

T. HARDY, Secretary.

A short time after twelve o'clock, the Lord President addressed himself to the jury, saying, that as some considerable portion of the great mass of written evidence still remained to be examined, and as no given time could be ascertained within which the trial would be concluded, another adjournment of the court became necessary. His Lordship added, that while the gentlemen of the jury were engaged in the discharge of the very arduous and a labourious duty imposed upon them, he trusted that every kind of accommodation would be afforded, that the nature of their situation would admitt of.

The Foreman of the jury rose, and informed the court, that were the jury to pass this night in the manner they had done the former one, their health, and probably even their lives might be endangered. After the fatigue of a very long attendance in a crowded court, they were obliged without tak-

ing off any part of their apparel, to endeavour to obtain a short repose, by stretching themselves upon hard pallets; and further to add to the inconvenience of their situation, their servants were denied access to them, so that they could not enjoy the comfort of a change of linen; nor were they in possession even of a razor for shaving themselves. On these considerations, the Foreman, on behalf of his brethren and himself, begs to express a wish, that they might be permitted to retire to their own houses.

The Lord president said, the court lamented that it was not in their power to accede to the wishes of the jury, on a subject that had been discussed last night, when a dicision had been made upon it which could not now be departed from.— The jury could not be permitted to separate, consistent either with safety or a due regard to the administration of justice.

The Lord President enquired whether beds and other accommodations could not be procured for the jury, at some Hotel or Coffee-house, where probably a sufficient number of beds might be provided for them in one room.

The jury signified that in the way suggested from the court, their situations might be rendered much more comfortable than it had been the night before.

The Lord President then said, the gentlemen of the jury should all be attended to one house, by the Sheriffs and a proper number of sworn bailiffs; and his lordship told them, that he would not require their attendance until ten this morning; which attendance, at the request of Mr. Erskine, was further postponed till eleven; and he moreover permitted their servants to wait on them with clean linen; and facetiously observed, that if a razor could find its way in among them, he should have no sort of objection.

This conversation upon the mode of disposing of the Jury occupied the attention of the Court for near an hour. In the mean time, Mr. Erskine renewed his notice for applying for some time previous to his entering on the prisoner's defence, to look over some papers.

*The Lord President said*, that every reasonable indulgence should be given, but the trial must appear to go on. His Lordship having taken occasion to observe, that the trial might be ended tomorrow.

*Mr. Erskine upon this exclaimed*, “ By no means, my Lord; the defence which I shall make is not without evidence of an extensive nature to support it, and will occupy a large portion of your Lordship's time, which will be but fair, considering the time that has been taken up on behalf of the prosecution.

The Court adjourned at one o'clock in the morning.

Thursday, Oct. 30.—Third Day.

The Court did not assemble yesterday until Twelve o'Clock.

Mr. Gurnell deposed, that he found a paper in the prisoner's possession, dated April 30, which mentioned the election of Maurice Margarot, being appointed a Delegate of the Division, No. 7, of the London Corresponding Society, for three months, *James Sheriff* in the Chair.

Another paper was also put in and read, which was sworn to have been found in the possession of Mr. Hardy, mentioning the appointment of *David Rowland* as a Delegate, at the Blue Posts, in the Haymarket. *Margarot*, Sec. and *M'Neil* in the Chair.

Mr. Gurnell swore to another paper found in Mr. Hardy's possession, stating that the sixteenth division of the London Corresponding Society had appointed *John Baxter* a Delegate to the standing Committee.—*Grey*, Secretary.

The next Paper put in and received, found in Mr. Hardy's possession, mentioned that *John Richter* was appointed a Delegate by the London Corresponding Society, to establish a Sixteenth division of the Society, at the Friend's Hand, Knightsbridge. This Paper was also proved to be found in the prisoner's possession by Mr. *Lauzon*.

The next Paper put in and read was found in Mr. Hardy's house by *Gurnell*, dated the 7th of May, 1792, which mentioned that he, Mr. Hardy, was appointed a Delegate from the London Corresponding Society, to a meeting held in Exeter Street, Strand, for the purpose of forming a Constitutional Code of Laws, for the government of the Constitutional Society. Signed, *Thomas Boyd*.

The next Paper put in on the deposition of Mr. Gurnell, signed *T. Hardy*, was for the purpose of delegating Mr. *Vaughan*, from a division of the Society, and authorising him to be present at a meeting at the Bell, Exeter Street, to assist the committee appointed to form the Constitutional Code of Laws for the government of the Society.

The Attorney General followed this Paper by another found in the possession of the prisoner, by Mr. *Gurnell*; it was signed *T. Hardy*, and directed to Mr. *Wharton*, M. P. It began by informing Mr. W. "That it was an original Paper worthy of his perusal, and if he saw any thing in the Preamble worthy his approbation, or adopting, he may use it accordingly. In all its parts it possessed many sweets, and he expressed a hope that he would, like the Bee, extract a little from each. It pointed out the present state of Representation, and lamented the many who were deprived of having voices for Members to serve in Parliament. It had been read in the Society, and excited universal disgust;—the evils in the

Representation are stated to be of the most glaring kind, and could not be made too public."

*Mr. Lanzun* deposed having found a Paper in the possession of Mr. Hardy, entitled "The Report of the Committee of Constitution of the London Corresponding Society, printed for use of the Members, and sold by *Thomas Spence*." This paper stated,

1st That all men are by nature free.

2nd, That though a man, who enjoys the advantages of Society, must relinquish a part of his liberty for the general benefit, yet he should not surrender more than necessity absolutely required.

3rd, That the Majority, however great, cannot deprive the Minority of the whole of their Civil Rights.

4th, That the People should have an equality of voices, in the Election of Persons, by whom the Laws were administered, and that the people had a right to the free exercise of Public Opinion, and should be suffered to enjoy Religious Freedom.

This Paper next adverted to the hardship of the Game Laws, which subjected the people to those Bashaws, Country Justices, and encouraged a system of spies and informer repugnant to the English Constitution. It took a general view of politics, and urged, that every person arrived at the years of discretion, not disqualified by any mental derangement, should have a voice for a Representation in Parliament. It mentioned that no name should be used in the Society calculated to make party distinction, and recommended the use of the word Citizen, as being what was used during the Republics of Greece and Rome.

It entered into a definition of the phrases Aristocrats, Royalists, Republicans, Democrats, &c. and mentioned, that when any division of the Society amounted to thirty, that books should be kept, and all Members admitted above that number should be entered as Supernumeraries, and when they amounted to sixteen, they should be formed into a division, &c.

*Jane Rickman*, wife of *Clio Rickman*, Bookseller, was examined on the part of the Crown.

She deposed, that two books presented to her were written by *Thomas Paine*, and published at her house. She knew *Mr. Paine*; her husband was a good friend to *Paine* had lodged in her house, but when one of the books was printed her husband was not in England. She gave the book in sheets, which were bound in her house. The large book was published during the absence of the author from England. She said, that *Paine* was at the house when the small one was published, the address to the Addressees, and was

to have profits from the large book, but not she believed from the other.

*Mr. Erskine* asked her if she had ever read the books shewn her, and if she had not, how could she presume to say, that they were not written and published by some person else; and was it not possible that some other person might have written a book with the same title, and have affixed her husband's name to it?

She said, she was positive as the books.

*Mr. Erskine to the Court*—“ I trust, my Lords, that whenever this Society, or that is mentioned, that we shall not have looser proof allowed, than what is required in case of libel.”

*Mr. Attorney General*—“ I shall not admit any position to the extent you say.”

*Mr. Clio Rickman examined on oath.*

*Q.* Have you published those books? (shewing him the two pamphlets.)

*A.* They were published with my name, without my knowledge.

*Q.* How did you know they were published?

*A.* I heard it in the country, where I went early in September, 1792.

*Q.* Who was to have the profits?

*A.* Never heard from my wife on that subject during my absence.

*Q.* Whose hand-writing is on this book? (shewing it to the witness).

*A.* Not mine; it is my wife's.

*Q.* Look at the matter of the book; did you, in the common course of your profession, ever see any other book, entitled, *The Address to the Addressers*?

*A.* Never read any other book, under that title, but these.

*Q.* You have been a Member of the Constitutional Society?

*A.* I have, but not for some time.

*Q.* Are these the books sold at your shop?

*A.* They are something like, but I cannot swear positively.

*Jane Rickman* swore that she put her name on the books sold in her shop.

*Mr. Erskine* observed, that the publication in question was entitled, “ *The Address to the Addressers*.” What he wished to know was, how it could be admitted as evidence in this cause. He was aware that the book entitled, “ *The Rights of Man*,” could be admitted, because it was proved in evidence on a former occasion, by Members of two Societies that came to Resolutions to circulate it, that *Thomas Paine*

was the Author of the work ; but in the present case no evidence of that kind was before the Court.

*The Attorney in General, in reply, said,* that it had been proved in evidence, that Thomas Paine was the Author of the First Part of The Right of Man, and of a Letter addressed to Mr. Dundas. It was proved that Thomas Paine was a Member of the Constitutional Society ; and it was in evidence that Clio Rickman was a Member also. Thus, from both being Members of the same Society, he submitted, that the Witness might know that Mr. Paine was the Author of the Pamphlet in question.

*The Lord President.—“ This is perfectly a distinct matter.”*

*The Attorney General.—“ Then I shall not trouble you, my Lord, to hear this paper read.”*

*Mr. Gurnell* proved that he found two Papers in possession of the Prisoner.

*They were produced and of one of them here follows a copy.*

*Sheffield, April 14 1794,*

**Fellow Citizens,**

The barefaced aristocracy of the present administration has made it necessary that we should be prepared to act on the defensive against any attack they may command their newly armed minions to make upon us. A plan has been hit upon, and, if encouraged sufficiently, will, no doubt, have the effect of furnishing a quantity of pikes to the patriots, great enough to make them formidable. The blades are made of steel, tempered and polished after an improved form. They may be fixed into any shafts ; but fir ones are recommended, of the girth of the accompanying hoops at the top end, and about an inch more at the bottom. The blades and hoops, more than which cannot be properly sent to any great distance, will be charged one shilling. Money to be sent with the order.

As the institution is in its infancy, immediate encouragement is necessary.

*Struck through to* | *Orders to be sent to the Secretary of the*  
*the Original.* | *Sheffield Constitutional Society.*

*Signed.*

**RICHARD DAVIDSON.**

*William Camage* was then called, who deposed, that he was a Member of the Society for Constitutional Information, established at Sheffield ; he had become a Member in the year 1791, and had continued to act as Secretary till the latter end of May 1793. In this capacity he did not write the letters of the Society, but only signed them ; the business of the Society was managed by a committee. Their professed object was a Parliamentary Reform, and such continued to be their ob-

ject during his Secretaryship. He ceased to be Secretary about April 1793. The Society chose Matthew Campbell Brown as their delegate to the Scotch Convention at Edinburgh, upon which occasion he was sent to him with a supply of cash, ten pounds of which he received from Sheffield, and ten pounds from Leeds : he knew not how the money was raised, but had received it from Mr. Gale, who had since quitted Sheffield. Upon being questioned whether he knew Henry Yorke, he said that he did ; he had sometimes attended their meetings at Sheffield but not regularly. On such occasions he gave them exhortations, but never mentioned the subject of arms in public. In order to procure that Reform which was the object of their meetings, he exhorted them first to an application to Parliament, and he had never, after the idea of applying to Parliament was given up, heard him point out any other specific plan.

*Q.* You say that he never mentioned the subject of arms in public ; did he mention the subject on any other occasion ?

*A.* When the Society was threatened to be dispersed by the opposite party, in private he approved of our having arms for our own defence against any illegal attack.

*Q.* On what particular occasion did he approve of having arms ?

*A.* He was shewn a blade of a pike, which he approved of ; it was shewn him by me and by Henry Hill.

*Q.* By whom was this blade made ?

*A.* I believe by Henry Hill.

*Q.* Did he then mention no others arms ?

*A.* No.

The witness then deposed that he understood that Mr. Yorke had afterwards been shewn a pike of a different construction, which he himself had not seen, and that he had also been shewn a pike-handle made by Hill.

*Q.* What number of these pikes were made ?

*A.* About three dozen.

Upon being again more particularly interrogated, he repeated his assertion, that he had never heard arms recommended by Yorke in public.

*Q.* Were you present at no meeting in March, 1793, at which he recommended to have recourse to arms ?

*A.* I was present with him on the Castle Hill, but no such conversation passed.

*Q.* Do you remember no other meeting ?

*A.* I remember a speech which he delivered on the Castle-Hill, in which he recommended not to petition Parliament, and proposed an address to the nation.

*Q.* Do you recollect nothing that followed on that occasion ?

*A.* He was carried home in triumph by the people who were there assembled.

*Q.* Did you never hear talk of a Convention ?

*A.* Yes, I heard him talk of the Scotch Convention as a very wrong piece of business, because the people were very much unprepared for such a measure ; he thought that they should first have brought out an Address to the Nation. He was then shewn a copy of the letter which had been read, and upon being asked whether he had seen it, replied that he had seen it at the house of Richard Davison. Being asked why the answer to this letter was desired to be addressed to Moody, and not to the secretary of the Society ; he answered it was only for the sake of the greater safety of conveyance, as it had been found that letters immediately addressed to the secretary, had in some instances been intercepted.

*Q.* What person was employed to make the handles to the pikes ?

*A.* Moody.

*Q.* What was the figure and description of the pikes ?

*A.* They were about seven feet in length, the blade about ten inches, and nearly resembling a bayonet, the handles were made of fir. He then stated in answer to particular questions, that Davison had not been long at Sheffield, nor did he at present know where he was to be found ; that Gale also had quitted it about the same time.

*Q.* Did you ever hear of a night-cat ?

*A.* Yes, I heard of such a thing five or six weeks before I was taken up.

*Q.* Can you tell what was the use of it ?

*A.* Its use, as I understood, was to act against cavalry.

*Q.* You know not then how it might be employed ?

*A.* Yes, to hurt the horse by running into his foot.

*Cross-examined by Mr. Erskine.*

*Q.* Can you clearly and conscientiously answer, that a Parliamentary Reform was your own sole object while you acted as secretary to the Society from 1791 to 1793 ?

*A.* Yes.

*Q.* What is your idea of a Parliamentary Reform ?

*A.* A more equal Representation of the people in England in the House of Commons.

*Q.* Had you then no idea by your plan of Reform to destroy the King, or the House of Lords ?

*A.* God forbid !

*Q.* Had you no idea from any thing that was said or done, that some individuals in your Society, thought differently from yourself ?

*A.* No.

*Q.* Was no specific plan ever pointed out in order to pro-

cure a Reform in Parliament after giving up all thoughts of petition ?

*A.* None.

*Q.* Was it ever stated that your object might be carried by force of arms and violence ?

*A.* Never.

*Q.* Had such been the case, would you have remained a member of the Society ?

*A.* Certainly not. I never suspected such to be the intention either of the Society or of any individual in it.

*Q.* Had you conceived that any of the proceedings of your Society would have effected the safety and honour of the throne, would you have continued a Member.

*A.* No, I should have immediately quitted the Society.

*Q.* Did you read with attention all that you signed as Secretary ?

*A.* In general I did.

*Q.* After you had ceased to be Secretary, did you still continue to be a Member of the Society ?

*A.* I did continue to act as a Member all the time that I was taken up.

*Q.* You never then conceived that any mischief was intended to the Constitution ; you never heard that the Scotch Convention was to put down the King and Parliament, and usurp the functions of the Legislature ?

*A.* I never had the sma'lest idea of that sort.

*Q.* In the support then which you gave to the Convention, you acted upon the principle that Parliament might attend to a great body, though not to a small one, and that your object was more likely to be successfully accomplished in proportion to the number of those by whom it was supported ?

*A.* Such was the notion I entertained, and from which I acted.

*Q.* You are then a friend to the British Constitution in its purity ?

*A.* I am most firmly attached to the genuine principles of the British Constitution.

*Q.* You had no intention than to bring into this country the desolation and anarchy of France ; you had no intention to put down the King, or annihilate the parliament ?

*A.* God forbid that I should be capable of entertaining any such intentions.

*Q.* You had no reason to believe that the tendency of the papers published by your Society was to overturn the Constitution ?

*A.* I certainly did not conceive them to have in the smallest degree any such tendency.

*Q.* Did your apprehensions of danger in 1794 arise then

any kind of opposition to your views from those in the army, or from the effects of the enmity of those who were in it in opposition.

*Q.* Have you not afraid of persons who thought differently from, and who in that account threatened to persecute us.

*Q.* In providing yourselves with arms, had you any other view, except to maintain yourselves in the peaceable enjoyment of your rights, and to resist any illegal violence that might be offered you?

*A.* We never had any other view.

*Q.* Was it your intention, if your demands should not be complied with, to employ them against the King or the Parliament?

*A.* We had no such intention.

*Q.* Upon what ground did you conceive yourselves entitled to provide yourselves with arms?

*A.* From the Bill of Rights, which authorises every Englishman to have arms for his own defence.

*Q.* From what motive were you induced to give a preference to pikes above any other sort of arms?

*A.* On account of their extreme cheapness, which enabled us to procure them more readily than any other sort of arms.

*Q.* Did you ever hear that laws were to be made or force employed, in opposition to any established authority?

*A.* I never heard that any such attempt was in agitation.

*Q.* Did you not on the contrary, conceive that the reform of Parliament, for which you were contending, would have the effect to put the rights of his Majesty upon a more secure and beneficial footing than ever?

Here Mr. Garrow interrupted the cross-examination by saying, "Mr. Erskine: we do not want at present to have your ideas of a Parliamentary Reform put into the mouth of the Witness."—The Attorney General said, "that he did not concur in the interruption which had been given by his Learned Friend; that he could have no objection to the question: at the same time he would by no means have it understood, that he conceived that his permission was necessary in order to put any question to a Witness."

Mr. Erskine said, "I am much more disposed to take advantage of the permission of the Attorney General, than to go out of my way on the present occasion, in order to make any remarks on the interruption of the Learned Gentlemen, or the manner in which his disapprobation of the question was conveyed."—He then repeated his question, to which the Witness answered in the affirmative.

*Q.* Did you ever see the instrument called a Night cat?

*A.* I once saw a model of it, but never saw any instruments made after the model. It was shewn to me by a person who said that he had seen it many years since, at Newcastle.

*Cross-examined by the Attorney General.*

*Q.* Do you recollect at what period, or upon what occasion you saw this Night-cat at Newcastle?

*A.* I cannot fix the precise period, but I think it was some time during the American war.

*A.* You said that you provided yourselves with pikes in order to defend yourselves against the attacks of those inhabitants of Sheffield who differed with you in sentiments; was it from the same motive you sent a number of those pikes to London?

*A.* We conceived that those Societies in London, who agreed with us in opinion, might have the same ground for apprehension with ourselves.

*Q.* You say then that you saw only one model of the Night-cat?

*A.* I never saw any instruments made after that model.

*Q.* What was the price of a pike?

*A.* The blade and handle together cost 20d.

*Q.* Had you no conversation about the pikes, or the manner in which they were to be employed, after the letter which you sent to the Corresponding Society on the subject?

*A.* No conversation at all, so far as I can recollect.

William Broomhead was next called, and examined by Mr. Garrow. He deposed that he was a cutler at Sheffield, and had become a member of the Constitutional Society there, when it was first instituted in 1791. As to the letter sent to the Corresponding Society, it was always understood that they acted in conjunction with the same views, and upon the same principles; further he knew nothing more, except what appeared upon the face of the letters. He had acted as Secretary to the Society for five month previous to his being apprehended in May. The professed and only object of their institution was to procure a Reform in Parliament; and the sole means to which they looked for this purpose were by meeting together, mutually enlightening each other, spreading the knowledge of the grievances under which they severally laboured, and concerning the least exceptionable means of providing a remedy.

*Q.* Did you never hear of Universal Suffrage?

*A.* Never till it was mentioned in the Convention at Edinburgh, to which our Society sent a delegate.

*Q.* Do you know a person of the name of Henry Yorke?

*A.* I know a person who goes by that name.

*Q.* Has he any other name?

*A.* Yes. Henry Redhead

*Q.* Did he attend your Society?

*A.* Yes. When he was at Sheffield he attended almost every weekly meeting.

*Q.* In what capacity did he attend ?

*A.* We considered him as a man of considerable abilities and a powerful orator, and therefore treated him with respect. He wrote several pamphlets at Sheffield, some parts of which he brought in manuscript to my house, where some members of the Society occasionally met.

*Q.* Did you meet in a small room or in a large one ?

*A.* We generally met in a small room, but there was a large one, in which, on two or three occasions, the whole Society assembled.

*Q.* Did Mr. Yorke speak from any particular situation ?

*A.* Yes; in the large room there was a chair erected, from which he generally spoke.

*Q.* What particular name did you give to this chair ?

*A.* I never give it any particular appellation; every man to his fancy;—some called it a pulpit, others a tribune; but as to any proper name belonging to it, I really never understood that it was yet christened.

*Q.* Do you not recollect a meeting at Castle-hill, at which Yorke was present, and what took place on that occasion ?

*A.* Yes; he had in his hand a book written by Locke, and addressed to those who were assembled. He expatiated on the abuses and evils which had crept into the Constitution, and the deviation which had taken place from its original principles. In this manner of speaking he is warm, energetic, strong, and even violent, and from this circumstance he perhaps, in some instances, went too far, as to his mode of expression, but I do not conceive that he, upon that occasion, said any thing detrimental to the Constitution of England.

*Q.* Did you take any part in that meeting ?

*A.* Yes; it was agreed that I should make a motion to petition Parliament for the purpose of its being over-ruled, and, in order to introduce another motion in its place—to petition the King.

*Q.* Did Mr. Yorke speak from any particular elevation ?

*A.* Yes; the chair from which he usually spoke, was carried from my room to the place.

*Q.* Were there many persons present, and what was the result of the meeting ?

*A.* There were several thousands present. I made the motion as had been agreed; it was opposed by Camage: Mr. Yorke then addressed the meeting on the subject of petitioning the King; a draught of the petition was read, adopted, and afterwards transmitted to Lord Stanhope, who did not chuse to deliver it to the King in the form in which it was drawn up.

A pamphlet was then shewn him, which he stated to be a

copy of Yorke's speech, which he had been requested to print. The printed copy, to the best of his recollection, contained the substance and matter of what was delivered. Two parcels were then shewn him, which he recognized to have been made up by himself, and in each of which he had enclosed a copy of the speech. He had received from the printer some copies of the speech, twenty-four of which he had put-up separately in parcels directed to different persons, and sent in a box to Thomas Hardy.

*Q.* How were you employed previous to your being Secretary to the Society ?

*A.* In working at my business when I had any.

*Q.* Were you applied to in order to become Secretary ?

*A.* Had I not been applied to, I never should have assumed the office.

*Q.* Did you derive any advantage from holding the situation ?

*A.* I did ; it was necessary to increase my means of support, which had in some measure failed in consequence of the war having destroyed my business.

*Q.* Did you ever hear in your Society of any proposition for providing arms ?

*A.* It is extremely material that this business should be properly explained. A few days previous to the meeting in which it was spoke to as the undoubted right of every Englishman to provide arms for his own security, an attempt was made in order to excite the Society to something unjustifyable. A spurious hand bill, without a signature, was published and dispersed by night, warning the inhabitants of Sheffield to be on their guard against the dangerous designs of disaffected persons, and to be prepared to crush any tumult which they might wish to excite. In consequence of this attempt to excite alarm and prejudice against us, we deemed it prudent and necessary to take some precautions for our own safety. Such was the motive which first induced us to think of providing ourselves with arms. So little idea had we of employing them for any improper purpose, that we published our resolution on that subject in the public news paper ; and I should be extremely happy if the learned Counsel, in addition to the other documents, would produce that printed Resolution, and a copy of the hand-bill from which it originated. For myself I have only to state, that I never saw a pike till I was brought to London.

*Q.* You say you never saw a pike, did you never see an instrument called a night-cat, or do you recollect any conversation respecting it ?

*A.* I saw a model of what I believe receives that name ; an instrument which presents a pike in every direction ; it was shewn merely as a boy's play-thing, thrown once or twice

upon the floor, and no conversation passed, except what was entirely desultory and pleasing.

*Q.* Do you recollect nothing of this pleasing and desultory conversation; did you hear no mention of Newcastle, or the effect which this instrument might produce upon cavalry?

*A.* I took no notes upon the occasion; the conversation that took place, I again repeat, was perfectly frivolous; the instrument was brought only to be shown, as a mere play thing; the production of a boy; and I do not remember one word to have passed about either Newcastle or cavalry.

*Q.* Do you recollect no expressions of Mr. Yorke of rather a more violent nature than any you have mentioned?

*A.* I was present at some meetings, where this conversation was not so guarded. I particularly recollect, once in the Society where visitors were admitted, that comparing the grievances under which we at present labour to the privileges we formerly enjoyed, he said, "That the country was reduced to the most low and despicable situation, and that for his own part, rather than submit to it, he would go up to London with the people who were present!"

*Q.* Were was this delivered, and what number might be present?

*A.* It was delivered from the chair in my room, and the number present might amount to about 150 or 200. I particularly recollect the expression, because I never before heard him utter himself with such violence, and it gave me much pain at the time.

*Q.* Why did it give you pain?

*A.* Because I fear God, and honour the King.

*Q.* You do well. Do you know any thing of that work shewing a pamphlet.

*A.* Yes, to the Attorney General.—"This is an account of the manner in which the Fast Day was observed at Sheffield, and a Resolution of the Corresponding Society will be found, in which he thanked them for the communication of its contents."

*Q.* How many persons were assembled on the Fast Day?

*A.* Not so many as on the former occasion; there might be between one and two thousand present.

*Q.* What was the number of your society?

*A.* About 600, more or less.

*Q.* Were they divided into sections?

*A.* The method was advised, but not regularly observed.

*Q.* Did the Society ever amount to 2000?

*A.* By no means. The evidence then stated the district books, printed by Gale, were desposed to the different divisions, that they might read them if they thought proper, but chiefly that they might every week contribute a penny for the purpose of the Society. To the particular interrogatory on the

manner of observing the fast-day, at Sheffield, he answered that the hymn to be sung in full chorus was written by Mr. Montgomery; the serious lecture delivered by a gentleman from Halifax; the prayer composed and recited by himself; and the pamphlet, which contained the whole account of the proceedings, printed by Gale, who defrayed the expences out of the sale of the publication, amounting to about five or six hundred copies.

The address of the Society of Sheffield to the people was then read; after which Mr. Gibbs continued to examine the witness, Mr. Broomhead. He said, that at the time the pikes were talked of, there had been a hand-bill published by a party that were opposite to the Sheffield Society. The witness had one of them, and would have brought it with him into court if he thought that an question would have been asked of him upon that point, but the general sense of it was a calling on the people to arm against foreign and internal enemies: answer that was made to it was in the same language. They never would have thought of having these arms had they themselves not been threatened. He himself saw several people going up and down mentioning this, and this was the only cause of something being done or said by the Society concerning arms. Among all those he heard speak concerning the subject, he never understood that these pikes were intended to be used against the constituted authority of the civil power; they were only for themselves in case they should be illegally attacked, as they feared they would take the hand-bill which he had alluded to. He thus understood the pikes to be owing entirely to this wicked hand-bill.

He declared that no idea was entertained of attacking any person or persons whatever; but that, on the contrary, they were themselves under the apprehension of being unlawfully attacked, as some persons had been a short time before at Birmingham.

In consequence of the threats contained in the hand-bill, several resolutions passed in the Society were published the following week; and some of these resolutions as well as the hand-bills he would have brought, had he imagined he should have been questioned in court on the subject thereof. He was firmly persuaded, that the Members of the Society to which he belonged had never harboured the intention of resisting the authority either of the King or the state, and averred that the pikes were only intended to be made use of as instruments of defence.

*Mr. Gibbs.* Had you, sir, or do you think the Society had any design of attacking the King and Parliament, or in any way of overturning the Constitution of this Country?

*A.* O, no, sir, I think if they had they would have deserved to have been sent to Bedlam.

Q. Did you yourself entertain any ideas of the nature I have mentioned?

A. No more than I have this moment the idea of *flying up to the sun*. The witness said that one of the objects the Society had in view was a Parliamentary Reform, and for the purpose of attaining that end, a correspondence was carried on with Mr Stewart, who he understood to be the Secretary to the Society of the Friends of the People.

Upon the last question being repeated, the witness said I understood the object of the Society was this, that they would use their endeavours to have the grievances which had been stated to have existed, redressed in a legal and constitutional manner. Such grievances I say as these—*where a man works fourteen or fifteen hours in the day, and after all is not able to support his family?*

Q. Would you, sir, have continued in the Society a moment, if you were aware that they entertained the least notion of attacking the King, Lords and Commons.

A. Most assuredly not.

Q. Do you think there was a man in the whole Society, so wicked as to harbour such an idea?

A. I do not think there was so wicked a man among them all.

Q. The object of the Society was not to meddle with the King or Lords, but to endeavour to effect a Reform in the Commons House of Parliament.

A. Most certainly that was their object.

Q. Did they not think sir, that the King and Lords with the Commons so reformed, would immediately redress the grievances that were complained of?

A. They assuredly did.

Q. Was it not their object to obtain this peaceably?

A. Most certainly.

Q. You have no reason to think that those persons who might be sent as Delegates to a Convention, would not act in a peaceable manner?

A. None in the least.

Q. When a Reform was talked about, did you not understand that by that was meant a Reform in the Commons House of Parliament?

A. I certainly did.

*The cross-examination of this witness was resumed by Mr. Garrow.*

Q. Do you not know of the reply sent by the Sheffield Society to the answer of the Friends of the People?

A. No, I do not know of any.

Q. Do you know Ashton?

A. Yes.

Q. Will you undertake to say that Ashton, who had been

Secretary to this Society, was no: desired (in consequence of the answer of the Friends of the People, saying that they sought Reform in a legal and peaceable way) to write to the Corresponding Society, disclaiming any further connection with these Friends of the People ?

*A.* I do not know that Ashton had been desired to send such a letter, or any such had been sent.

*Q.* Was the resolution to arm intended to oppose that hand-bill which he had spoken of ?

*A.* No, to oppose foreign and domestic force.

*Q.* Did they not rather fear similar attacks to those which, had taken place in Birmingham, and yet did they apply to any civil magistrate ?

*A.* They would have no need for such application until such an attack was made.

*Q.* How could it be said the Society had no object but Parliamentary Reform, when their public resolutions expressly said they would petition no more ?

*A.* That resolution was drawn up by Yorke and Gale, and had not been particularly attended to.

*Q.* Was not the next step, Delegates and a Convention, to obtain what they called full and fair representation ?

*A.* No ; the next was to petition the King.

*Q.* Did they not communicate their plan of arming to other societies and places ?

*A.* I had not, nor do I believe any others had ; nor did I ever hear of it until before the council.

*Q.* Then if Davidson had written so, it was without your knowledge ?

*A.* Yes, or that of the Society.

*Mr. Attorney General* said, he should call the attention of the court to a paper, dated 28th Feb. 1794, which had been already proved, and related to the landing of the Hessian Troops. Part of this paper was read, as were several Resolutions of the Sheffield Society, and the London Corresponding Society, the latter being signed by the prisoner.

The Resolutions of the Corresponding Society, were to the same effect as those we have already inserted ; the first and second of those of the Sheffield Society went to a condemnation of the present war, and the landing of Hessian Troops in this country, and representing the latter measure as contrary to the Principles of the Constitution ; a third was on the mode of erecting Barracks, and a fourth expressed, that peace and freedom were the gift of heaven.

*Henry Alexander* was next sworn, and examined by Mr. *Wood*.

*Q.* Was not you a Member of the Constitutional Society ?

*A.* Yes.

*Q.* To what Division did you belong ?

*A.* To No. 57, held at Robin's Coffee-house, Shire-lane.

*Q.* Did you know Mr. *Yorke*, and was he a Member ?

*A.* Yes.

*Q.* Do you remember his taking leave ?

*A.* Yes, on the 5th of November, in a long speech, he said he was going to Belgium, having been invited by some friends, to be at the head of some who were ripe for a Revolution; that he should return before Christmas, and hoped they would be ready to join him, and when the time came, they would not shrink from what they pretended to be, and that they should see the King's and Mr. Pitt's heads upon Temple Bar: that he thought the King and Queen of France had only met their deserts; that the Sans Culottes were brave fellows; that no good could be done without some bloodshed, and that they were a set of brave men at Sheffield.

*Q.* Did they say any thing about bread and cheese ?

*A.* No; on a preceding night, that occurred from another person. One from Sheffield came in and said, in that town they obtained pikes for sixpence each, on which one replied, it would only be living upon bread and cheese for one day, and they might have the same.

*Q.* How was this speech of Mr. *Yorke*'s received ?

*A.* With universal approbation; and, upon his departure, every one rose to shake hands with him, and wish him success.

*Q.* Did you remain a Member after this ?

*A.* Being struck with the impropriety of such proceedings, I went and gave information to Mr. *Dundas*, and afterwards to Sir James *Sanderson*.

*Cross-examined by Mr. Erskine*

*Q.* Pay, Sir, what are you ?

*A.* A Linen-draper, in Fleet-market.

*Q.* When did you first go this Society ?

*A.* About the end of 1793.

*Q.* Did you go for the purpose of being made a Member, or for what ?

*A.* I went along with a friend, who asked me to go to a Club, but without any intention of being made a Member, or even knowing its nature.

*Q.* Was Mr. *Yorke* there at this time ?

*A.* I cannot say.

*Q.* When was it ?

*A.* It was on a Tuesday, but I cannot tell the month.

*Q.* Did you at that time hear any thing that offended you?

*A.* No.

*Q.* What was the Society employed in doing, or what did they converse about;

*A.* I did not know any more than that they read some papers.

*Q.* When did you go next?

*A.* I cannot say particularly.

*Q.* Did you not, upon oath, become a Member of that Society for the very purpose of being a spy and informer?

*A.* After I knew what they were about, I certainly determined to give information of their proceedings.

*Q.* Did you wish for a Parliamentary Reform, or any alteration in the Government, when you first went there?

*A.* I wished nothing of kind.

*Q.* Why did you become a Member then?

*A.* I went with a friend without any such intention; but after I had been there a little time, Smith proposed making me a Member, and I agreed, and on being made, they gave me a paper.

*Q.* Then neither the contents of the paper, nor the conversation you heard, prevented you from going again?

*A.* No, I attended seven times in the whole.

*A.* On the second did you go, as an informer?

*A.* I did.

*Q.* Had you been desired by any person to go?

*A.* No.

*Q.* Then you went purely out of patriotism, and, as a pretended friend, went as a spy?

*A.* It proved so at last.

*Q.* Since you went seven times, and the meetings were but once a week, could you not particularize the months?

*A.* No, I cannot recollect; it was before Christmas; and I went thrice after I had been with Mr. Dundas.

*Q.* Then it was not at the desire of any person that you went after the first time, but voluntarily?

*A.* Three friends to whom I related what had passed, advised me to give information.

*Q.* How long have been in business?

*A.* I am not in business for myself.

*Q.* With whom do you live?

*A.* I am not in a situation present.

*Q.* How long have you been out, and with whom did you live last?

*A.* I was last a shopman to Mr. Kelleway, in Finsbury-square, whom I left in May last.

*Cross examined by Mr. Gibbs.*

The witness said he lived in Fleet-Market. He first went to the Society on a Tuesday in the year 1793, but he could not remember in what month, he went there as to a common club, curiosity being originally his principle motive.

*Q.* Of the members present particularize by name such as you are able.

*A.* Many were present whose names I am a stranger to.

*Q.* I presume you may recollect some of them; if so, pray inform the Court and the jury who they were.

*A.* At the first time of my going to the club, there were present Mr. Smith, Mr. Ashley, and Mr. Baxter.

*Q.* Who besides?

*A.* I cannot recollect the names of any others.

The witness said that on the first night of his attendance, nothing passed, which was in his opinion, improper, or likely to give offence. Several papers were read, the contents of which, however, he could not recollect. On the night above mentioned, Mr. Yorke was not there.

In reply to the questions very pointedly put to him by the Counsel, the witness said, that when he became informed of the nature of the institution, and of the end intended to be accomplished, he continued occasionally to visit the club in the capacity of a spy, and with the intention of becoming an informer against the members. When he became a member he said he had no particular anxiety or wish on the subject of a Parliamentary Reform.

Being asked what induced him to become a member of this Society, he said, that at the request of one of his acquaintance he accompanied him to the meeting, where he was asked to become a member to which he readily consented, upon which a paper was read to him, which he took home with him, and on perusing it at leisure, he thought the contents of it of a very dangerous tendency; in consequence of which he went a second time with the design of becoming an informer; but he declared that he did not assume that character at the desire of any person whatever.

Being questioned as to what part he himself took in the proceedings of the Society; he said that he pretended to approve of all that was done; that he took no notes in writing of what passed, and was doubtful whether he should be able to recollect the persons of the members. He said that he had no other motive for becoming an informer than a love for his country; and that upon communicating his design on that head to some of his friends, they approved of his intention.

This witness being interrogated as to his situation in life, he represented himself to have been a journeyman Linen-draper, which employment, however, he acknowledged not to have fol-

lowed since the month of May, 1793. He gave an account of his way of life for the last five years, during which he had occasionally lived in the service of different Linen-drapers, and was at other times, unemployed, residing with his aunt in the country.

He lately agreed to become shopman to Mr. Manly, Linen-draper, who had recently commenced business in Holborn, at the yearly allowance of twenty-five pounds; but this contract he acknowledged to have forfeited, merely on account of being engaged to give evidence, which he could not have done consistent with the discharge of his duty to his expected employer.

He informed Mr. Manly, that he could not enter into his employ agreeably with his contract, assigning as a reason for departing from his contract, that he was under the necessity of going into the country. He never attempted to secure a situation at Mr. Manly's, by applying for his consent to absent himself from business during the time he would be engaged in attending the present trial. The excuse he made to Mr. Manly, by the pretext of being obliged to go out of town, he said he was induced to have recourse to from the expectation that he should be called upon to go to Sheffield, for the purpose of giving evidence against Mr. Yorke.

Upon being further interrogated by Mr. Erskine, the witness said, that no person had informed him that he was to appear as an evidence against Mr. Yorke; but he afterwards acknowledged that the Solicitor of the Treasury had told him he would be called upon to give evidence on the trial of that person, at Sheffield.

The counsel now resumed his enquiries as to what the witness knew in regard to the meeting of the London Corresponding Society. To these he was not able to give any conclusive answers, except in relation to what has been already mentioned when Mr. Yorke was not present. He said, Mr. Yorke was not present when the pikes were spoken of. Here the examination of Alexander concluded.

Thomas Whitehall was next called. He is shopman to a bookseller. He was intimately acquainted with the last witness, Henry Alexander. Towards the latter end of last year, they went together to the Corresponding Society, and both were admitted members the same night. He only attended four meetings, and declined his visits from no other motive than that of convenience. He remembered seeing Mr. Yorke at the meeting, and that he addressed a speech to the company, the purport of which, however, he did not know, being at a distance from the speaker, and quitting the room before he had concluded. The prisoner's counsel did not cross-examine this witness.

*John Whiteson.* He said he was a member of the Constitutional Society at Sheffield, before they were classed into Divisions. He had left them some time. He knew Mr. Yorke—he saw him first about a twelve month ago. He saw him at several meetings of the Society—he was generally chairman of them when present. The counsel for the Crown was about to examine the witness, to what was said by Mr. Yorke at one meeting, but upon his stating, that he, Mr. Yorke, was rather intoxicated, he desisted. He remembered the meeting at Castle-hill, in April, 1793, as also the meeting this year in March. The witness was hair-dresser to Mr. Yorke while at Sheffield. He remembered conversing with him on the subject of arms; it was in April, they talked of such being making. The Witness himself made a dozen, or a dozen and half of shafts for pikes. They were seized in his house, and taken away by Mr. Wilkinson the Magistrate. It was generally believed among the Society, that those pikes were intended for use of Self-Defence. Mr. Yorke explained to him, that the Reform to be looked for, was the Extension of the Elective Franchise to *Universal Suffrage*. He himself and the Society, as far as ever he knew, so understood and pursued their object. In progress of time he changed his opinion, upon the propriety and expediency of such a measure: he told Mr. Yorke his idea upon the subject, declaring that such a plan of Reform was, in his opinion, impracticable, and carrying too far; he said he would no longer subscribe to such a measure; to which Mr. Yorke replied, he must then give it up. He remembered the Meeting in April last, in the open air; Mr. Yorke was there, and spoke at considerable length. He was not paid for the pike shafts he had made; he expected to be paid for them only by those who took them off him.

Upon his cross-examination, he said, he was first in favour of *Universal Suffrage*. At that time he was firmly attached to the King and Queen too. He believed all those with whom he was concerned loved the King; he certainly would not have remained of their Society otherwise. He neither then nor now considered *Universal suffrage* as containing principles adverse to the Crown. The famous plan of the Duke of Richmond was that which was adopted by the Society. Among the many publications, his Grace's letter to Colonel Sharman was read at the Society, and adopted by them. A well-known passage out of the letter was read to him by Mr. Erskine, in which his Grace states, that after long and mature deliberation, he was decidedly of opinion, that *Universal Suffrage*, together with *Annual Parliaments*, is the only radical and effectual cure for the evils crept into our Constitution. This, the witness said, was precisely the sentiment borrowed from his Grace by the Society; and he

firmly believed, as far as he could dive in the hearts of men, that this was their only object. He never understood that force or violence was intended. He quitted the Society not from any idea or apprehension of this kind, but solely from his dissent upon the question of Universal Suffrage, as being of opinion that the minds of the people were not as yet sufficiently enlightened, or prepared for it. He was not present when the Society chose a Delegate for the British Convention held at Edinburgh; but if he had been, he would have consented thereto, as approving of the measure at the time. He never understood the object of holding that Convention to be any thing else than petitioning for Reform. From any thing that passed there, he by no means supposed them as intending to assume the functions of Parliament. He then, and now considered the majority of the Society as firmly attached to the King. It was their general idea, that the safety of the Monarch and the Liberties of the Subject are inseparable. He never heard any thing said of using arms for the intent and purpose of attacking the King, and putting down the Government. He himself made the pikes for the purpose of defending himself, if necessary. He did so because there was not a good understanding between the two parties; this he explains as alluding to those who were eager for Universal Suffrage, and those adverse to that measure. It was intended to defend themselves, not against the Magistrates of the country, and the legal force. He had himself been threatened several times in company.

The Aristocrats had said publicly, that if the French invaded the Country, they woud first put to death their Domestic Enemies. He believed the Society, had entertained no intentions inimical to the House of Lords. The only book he had ever seen upon that subject, was that written by Major Cartwright. On the whole, he declared himself to be, and believed the Society to be firmly attached to the King and Constitution of the Country. He repeated, that he saw Mr. Yorke at several Meetings, who always behaved with great moderation, excepting the time he was intoxicated.

**Henry Hull.**—He was a Member of the Constitutional Society at Sheffield from the begining; he was the second or third Member.—Mr. Yorke visited them in 1792; he was also at the meeting on the Castle-Hill in 1794. The witness, a blacksmith by trade, made a pike from a pattern given him by Davison, which was approved of by him. He also shewed it to Mr. Yorke. He made about one hundred and thirty of them. The iron was procured upon Davison's credit. He had three-pence a piece allowed him for making them. Davison said to him, the pikes might be wanted in London as well as Sheffield; by this he understood them to mean, as

gainst those who might unlawfully attac' them. Davison left Sheffield about the beginning of May.

*Cross-examination.*

He never had in view, on becoming a member of the Society, the opposing the King ; nor did he believe that others of the Society ever entertained such an idea. They adopted and followed the plan so ably suggested and promulgated by the Duke of Richmond. He had always heard them say so. The preparation of the pikes was occasioned by the threats of the opposite party. They had carried those threats so far, as to come to the house where he lodged, and which they called the Jacobin House, on account of the Club having sometimes met there, and threatened to pull it down and burn it. They had also paraded the streets with arms, and fired into several houses. This conduct of the Aristocrats of the town, and no other, he swore positively was the reason of their deeming it necessary to provide arms, not for rebellion, but for self-defence.

*Thomas Moody.* He had been a regular member of the Constitutional Society of Sheffield, for the last twelve months—he had been occasionally so before that time. Besides, their general meetings, they were subdivided into district meetings. He knew Mr. Yorke, who acted as orator, chairman, &c. at different times, particularly at the meeting at the Castle-Hill. There were ten thousand men present. Mr. Yorke spoke there, but he did not hear what he said, as he was at too great a distance. A carriage was brought for him, when the meeting broke up ; but the populace took off the horses, and drew him home. Camage brought some pike-blades, and bespoke three dozen handles for them—the remainder of the blades were afterwards sent and fitted. He always understood they were intended for self-defence. There had been rumours, that the opposite party intended, and had threatened to disperse their meetings, either without, or with the assistance of a Magistrate, whom it would not be difficult to procure ; and they were resolved to resist such force. He saw in Camage's shop a model of an instrument called a Cat ; but at the Privy Council he heard it called a Night-cat. He asked what it was for, and was informed it was an instrument which might be thrown into the street, in order to prevent a horse from passing. A pike was there produced, which the witness said was such as he made. He remembered Davison asking him his permission to have his letters directed to his house, which he consented to. None, however, came so directed.

*Cross-examination.*

The Cat he spoke of was about an inch long, and was

merely a model—none were ever made from it. It was lying open in the shop, to the view and observation of every passer by. He never heard any expressions made use of in the Society disrespectful to the king, personally ; nor did he ever hear mention made of pikes, till the threats thrown out by the Aristocrats. If he himself had an idea that any intent had ever been entertained of using those pikes against the King, or the Government, he would never have been concerned in making them.

*John Edwards was called and examined by Mr. Garrow.*

Q. Do you know the prisoner ?

A. Yes.

Q. Did you receive any direction from him to any person at Sheffield ?

A. Yes.

Q. Can you recollect his name ?

A. I cannot.

Q. At what time was it given by the prisoner ?

A. In the month of April last.

Q. For what purpose ?

A. He said he would enclose a line to a person at Sheffield, who would forge some blades for pikes.

Q. Did he so furnish you with such direction ?

A. He at the time read part of a letter, and gave me a direction.

Q. What was that part of a letter ?

A. That a plan had been formed at Sheffield to forge pikes for the people there.

Q. What did you do upon that occasion ?

A. I understood that several members of the Society wished to have pikes ; there was to have been a meeting in Green Labour-Court in the Old Bailey, to lay down the money for them.

Q. How much ?

A. One shilling for each blade.

Q. To whom did you mention this business ?

A. To Spence, Baxter, and Hilliard.

Q. Was there any meeting in Southwark to learn the use of muskets ?

A. I have heard that there was a meeting in Bandy Leg Walk.

Q. From whom did you hear it ?

A. I heard it from Franklow, who was a member of the Corresponding Society. This meeting was to be called the Loyal Lambeth Association ; the number was to be sixty, when it was full, but I cannot tell for what purpose.

Q. Did you hear in any Division for what purpose this Association was to be assembled ?

A. I do not know that I did hear so.

Q. Do you know what was the dress of this Association ?

A. Yes, I saw Franklow in a blue coat with red collar, white waist-coat and breeches.

Q. When ?

A. At a dinner at the Globe Tavern, the 20th of January — the anniversary dinner.

Q. Was you at any particular Division meeting ?

A. Yes, the Division, No. 22, met at the Three Tuns on Snow-Hill, to the number of sixteen.

Q. Was there any proposal to learn the same exercise Franklow had proposed ?

A. There was such a proposal made by me, but no person would second it. It was before the anniversary dinner.

Q. (by the Court.) What was agreed at the Meeting of sixteen ?

A. Nothing at all, my Lord.

Q. Was there a secret committee ?

A. Yes, it was dissolved, because it was suspected that Lynam a member, had given information. A new secret committee were chosen, consisting of Martin, Thelwall, Baxter, Moor, and Hudson ; their business was to receive all letters, and communicate what they thought fit to the Society.

Q. Was you ever a delegate ?

A. I were delegated to the general committee.

Q. Do you know whether the letters received by the secret committee was laid before the general committee ?

A. I do not know ; there was a meeting of the general committee in Compton-street, and at Mr. Thelwall's, in Beaufort-buildings : a deputation was received there from the Constitutional Society, to propose that six from each division, should join the Society, in order to strengthen the general interest.

Q. Was this proposal agreed to ?

A. Yes.

Q. Do you know Mr. Eaton ?

A. Yes.

Q. Was there any thing said about him in any of your Meetings ?

A. Yes ; I remember a proposal to *strike a medal*, and present one to each Juryman who sat upon the Jury when Mr. Eaton was acquitted.

Q. Was there such a medal struck and presented ?

A. I believe not, as it might seem to be interfearing with public justice.

Q. Do you remember a meeting at Chalk Farm ?

A. I was present. We first went to Store-street, Tottenham-court-road, and then adjourned to Chalk Farm, on account of Justice Addington having been there and forbid the

meeting. There were about two thousand persons present.

Q. How was you admitted ?

A. A person stood at the door to receive the tickets.

Q. What were the proceedings, and what rank of people ?

A. I found several persons of the Corresponding Society, namely, Thelwall, Moore, Lovett and others ; the latter took the chair.

Q. Was the prisoner there ?

A. I do not know ; I did not see him.

Q. What were the proceedings ?

A. I do not know ; for I was in the long room with some Ladies.

Q. Was there any report of what was done afterwards made to any of the meetings ?

A. I do not know, nor have I heard of any report.

Q. Was you at a meeting at Robin's Coffee-house, in Shire Lane ?

A. Yes, it was Divison No 22.

Q. Do you know of any paper being distributed at that time ?

A. Yes.

(A paper shewn)—Q. Was that the paper ?

A. No, it was not of that size.

Q. What is become of that paper ?

A. I have lost that which I received at Robin's Coffee-house.

Q. Do you know the contents ?

A. I believe I should recollect, if I heard it.

The Clerk read the hand bill—" Speedily will be performed, a Farce, called the Guillotine, or \*\*\*'s Head in a Basket."— The remainder was too detestable (as the Lord President termed it) to be admitted in evidence—" To conclude with a Hornepipe, by Bobadil Brunswick."

Q. When did you receive a hand-bill of that infamous description ?

A. It was some time before the meeting at Robin's Coffee-house.

Q. Who did you receive it from ?

A. From Baxter, in October or November.

Q. After the meeting at Chalk Farm, where did you go ?

A. I went to Compton street, and supped with several persons; Thelwall was one.

Q. Did you receive any proposal for arming at that time ?

A. No, never.

Q. Did you know Mr. Ashley ?

A. Yes

Q. Did he ever make such a proposal ?

A. No ; he never made such a proposal.

Q. Was you at the Globe Tavern ?

A. Yes ; Joyce gave a ticket for the feast, which was delivered to me by Thelwall.

Q. Was there a hand-bill delivered ?

A. Yes ; after dinner a paper was distributed amongst the company.

Q. Was there any conversation there about Hessian-troops ?

A. No.

Q. Was you at Robin's Coffee-house when Mr. Yorke made his speech ?

A. No, I was not.

Q. Had you any conversation with Gosling or Hilliard respecting the pikes ?

A. I had not.

Q. What was the price ?

A. The blades were to cost one shilling, and every person was to find his own shaft.

Q. Did you see any of them ?

A. Yes, the one that I made myself—The shaft was then produced without the pike.

Q. What have you done with the blade ?

A. I destroyed it after Hardy was taken into custody.

Q. Had Hilliard a pike ?

A. Yes, he had, but it was a different pike from mine.

*Cross-examined by Mr. Erskine.*

Q. For what purpose did you make that pike ?

A. I heard there were pikes made at Sheffield, and I accordingly made one for myself.

Q. Why ?

A. For fear of any illegal dispersing of the meetings.

*Mr. Garrow.* Do you say *legal* ?—*Mr. Erskine.* Answer that Gentleman.

A. No, I said *illegal* dispersion.

*Mr. Erskine.* Now, Witness, attend.—Upon your oath, before God and your Country, had you any intention to use that pike against the King and Government of this country, or against the Law and Constitution ? (Here was a moment of profound silence) :

A. (loud) No, not against the King, or the Government, or the Law.

Q. I again ask you, before God and your Country, did you intend to use that pike for the purposes of rebellion ?

A. No, not for the purpose of any rebellion, or any such purpose.

Q. Do you believe that any such purpose was intended by any of the members of the Societies to which they belonged.

A. I do not believe that any such purpose was ever enter-

tated or intended by any member, at least that I know of.

Q. For what use were they really intended?

A. To defend ourselves at our meetings, as we were continually threatened to be assaulted.

Q. And for no other purpose?

A. No other.

Q. You mentioned in your evidence, in chief, that at a meeting upon Snow-hill, you proposed to follow the example of the Loyal Lambeth Association, and learn the use of the musquet: now did you apprehend or believe that you were doing any thing illegal in making the proposal?

A. No.

Q. At the time of the meeting on Snow-hill was dispersed by the constables, did you apprehend you had done any thing wrong or illegal, or that you were doing any thing wrong?

A. No.

Q. You have said that you made the motion for associating in the same manner as the Loyal Lambeth Association; was that the fact?

A. Yes; but as no member seconded me, the motion dropped.

Q. Did it seem to be cordially received?

A. By no means.

Q. Now, witness, I desire you to attend—look at the prisoner; have you ever seen him at any of the meetings?

A. Yes, frequently.

Q. Did you ever observe him to be disloyal or troublesome, or disaffected?

A. No, by no means; he never spoke at the meetings; I always looked upon him as a very quiet good kind of a man.

Q. Did you ever hear the prisoner speak in praise of that detestable hand bill which was just now read?

A. No, I never heard him speak a word about it.

Q. Do you believe that Mr. Hardy would have given countenance to such an execrable production?

A. No, nor do I believe that, by any means, he would have approved of it.

Q. Do you think that he is disloyal to his King, or wishes to destroy the Constitution?

A. No.

Q. Did you ever hear or believe that Mr. Hardy, the prisoner, did, by his actions, give countenance to any measure that tended to destroy the Constitution or the Government?

A. No.

Q. Or the King?

A. No.

Mr. Erskine I have done with this witness.

Mr. Garrow. re-cross-examined the witness without any material effect.

The next witness was Mr. Samuel Williams, by trade a gunmaker, who upon the application of Mr. Hardy, became a member of the London Corresponding Society. He was accustomed to buy what shoes he had occasion for of Mr. Hardy, and had sold some musquets to him. At the desire of Francklow, who he understood was raising an association, he went to the house of Mr. Spence in Holburn, for the purpose of instructing the members of the Loyal Lambeth Association in the use of fire arms. He supplied this society with eleven musquets, complete with bayonets, for which he was paid by Mr. Hardy.

Mr. Saunderson proved that Franklow was a member of the London Corresponding Society, of which he knew Hardy to have acted as Secretary.

Edward Gosling became a member of the London Corresponding Society, in April 1794, not by immediate direction of any magistrate. Was introduced by Hilliar, became a member to discover if they had any intention of arming. Communicated from time to time with Mr. Wickham, a magistrate. Heard them on the first night talk of arming as the French had done, to defend their Convention, but their minds being much heated, did not think much of their being serious. He entered into an account of what he heard at Chalk Farm. A person who he was told was Thelwall, spoke of the infamous and ever to be detested Court of Justiciary of Scotland, and of repelling force by force, if any attempts should be made to introduce the Scotch law into England.

At another meeting, he heard of relieving Dr. Hodson, and went with Hilliar to see Hodson the next day in Newgate. Hodson talked of not dividing the Society, for the convenience of guarding against spies, and learning the use of arms. A Frenchman, Rouselle, who was present, said, when, the Society was ready to act money would not be wanting. A toast was given: "The world a Republic—or a Dessart." Hodson said, he hoped to see a Revolutionary Tribunal established in this Country; and that he despised all others.

The same evening, a meeting of the 11th division, Wright, the Delegate, said that he had got his musquet, and that it was necessary they should all get arms, as they might soon have occasion to use them. Gordon, the Secretary who was going to America, said, he was sorry to leave them, when they were going to act, as well as think, and regenerate their country. Hilliar said he had got a pike.

Afterwards in Bishopsgate-street, he heard they had determined at Sheffield to petition Parliament no more. The

Letter stating this contained a drawing of knives, with this observation, "these are the instruments we must soon use." It was said the principal dependance of the Society was to secure the Royal Family, and the members of both Houses of Parliament, that if they should resist the first shock, there would be no danger from the military, for wanting a head to look up to; they would readily accept of additional pay. No objection was made to this by the hearers, one of whom was in liquor, and the other two sober.

Baxter told him that Joyce, Earl Stanhope's Secretary, reported there was no fear of Stone, for he was too sharp for them to get any thing out of him by intimidation. It was said that one Moore had been particularly successful in getting over the troops, and that the old soldiers in Westminster were the most easily got over.

Baxter asked if the witness knew any friends who would purchase a pike, and said if he asked for Edwards at a place in the Old Bailey, he should have a pike, and be taught the use of it along with others. The witness said he thought a Parliamentary Reform might be obtained without bloodshed.

*Baxter said, "There is not a man in the Society who believes that a Parliamentary Reform is all we want."*

They did not wish to do any harm to the King, or any of the Royal Family. It must be expected that some blood must be shed, as insults had been offered to the people which flesh and blood could not bear. He said that many thousands of pikes were making at Sheffield, but they were to be stocked in town. He was cautious of speaking out, because there were spies in the Society. It would be adviseable to let the French prisoners out of goal. He mentioned Mr. Pitt, Mr. Dundas, and Mr. Reeves, as three of the persons who had insulted the people past bearing. He said that he was to sound the army at large on the hardships of their situation and smallness of their pay—if he found them aristocrats, he was to desist.

Gosling concluded his examination in chief, by saying, in answer to a question from Mr. Garrow, that he had attended all these meetings for the express purpose of giving information.

*Cross-examination by Mr. Erskine.*

Q. What do you say is your name?

A. Edward Gosling

Q. What is your employment?

A. I am employed by Mr. Justice Colquhoun, at the Office in Worship-street, and have been since the month of September or October last.

Q. What was your employment before that?

A. I kept a broker's shop.

Q. Was you not in the habit of buying government stores ?

A. I never to my knowledge bought any stores belonging to his Majesty in my life.

Q. Recollect yourself—Did you never own that you used to buy the King's stores ?

A. I never did buy any. I own I said otherways. I said to Mr. Worship, that I dealt in buying stores. I said so because I wished to deceive him as to my real place of abode, which I thought might give him suspicions.

Q. Did you never say that you would think no more of cheating the King than of guillotining him ?

A. I never said so.

Q. Will you swear that you never said so ?

A. Never to my knowledge.

Q. Did you never go by the name of Douglas ?

A. I will explain to you how that was.

Q. Answer my question, Sir, you shall afterwards explain your reasons. Did you not go by the name of Douglas ?

A. I did.

Q. How long ago ?

A. Some years ago; about ten years.

Q. How long did you go by the name of Douglas, and what trade did you then follow ?

A. I went by the name of Douglas for seven years, and kept a hair-dressers shop, at No. 9, Petty France. It is necessary I should explain my reasons for changing my name. My father was a wig-maker in the city. I wished to go for improvement to the west end of the town. I went to work in Bloomsbury, but my pride would not let me go by my own name to work as a journeyman, when my father kept four or five journeymen himself. I took the name of Douglas by mere accident: it was the first name that struck me in a play bill.

Q. And how long did you play the part of Douglas ?

A. Seven years.

Q. Do you know Mr. Lincoln ?

A. I do. He collects rents for Mr. Macnamara.

Q. Did you ever borrow any money from him ?

A. I see to what the question tends, and I ought to explain the transaction. Mr. Macnamara came to me—

Q. I desire that you will answer my question. Did you ever borrow any money from Mr. Lincoln ?

A. I did. I borrowed 10l. or ten guineas, or some such sum, five or six years ago.

Q. Did Mr. Lincoln see you by accident at the London Coffee-house ?

A. Mr. Macnamara saw me, and we had a conversation, and I was so confused, that I do not know what I said to him.

Q. Did he not call you by your name of George Douglas ?

A. He said that he came out of humanity; as he was in-

formed I was to give evidence by the name of Gealing; my bill to Lincoln by the name of Do glas was to be exhibited against me. This was on the stairs when the witnessees were: I said that was no place to talk about the Bill.

Q. You said, that you had told Mr. Wership that you dealt in buying King's stores. I call upon you to say, upon your oath, whether you did not say, that you would think no more of cheating the King than of guillotining him?

A. Never in my life.

Q. You never did?

A. Never.

Q. Now, Sir, take care what you say; I call upon you to say, on your oath, whether you did not go about these Societies, using yourself the inflammatory expressions which you this night attributed to others, trying to excite them to violence; and that you were frequently checked in doing so?

A. Never, to my knowledge. No; never.

Q. Recollect yourself. Did you never, in these Societies, use such expressions as these—"We must arm ourselves; we must learn the military discipline; we shall never do any good without arms?

A. Never, to my knowledge.

Q. You must know positively, whether you did or did not use these expressions?

A. Never that I remember.

Q. You swear positively that you never did?

A. I do swear positively, I never did.

Mr. Ershinc—That is an answer. Take down his words, Mr. Clarkson.

Q. Do you know a Mrs. Colman?

A. I did know a Mrs. Colman. She rented a shop from me, and died at my house. I buried her.

Q. She left a will, did she not?

A. She did.

Q. And you wrote the will?

A. I did. Her property was to be divided between a Mr. Burrows and a Mr. Leach.

Q. You was very ill-used upon that occasion; was you not?

A. I do not recollect.

Q. Did you not get into some trouble?

A. Not that I remember.

Q. What, sir, was there not a complaint made against you for fabricating that will?

A. Not to my knowledge.

Q. What, do you not know wether a complaint was made against you?

A. I do not remember.

Q. Now, sir, who is Leach, to whom the property was left?

A. My wife's son.

Q. How long did she live at your house before she died?

A. I do not recollect.

Q. Was it a twelvemonth?

A. I cannot tell.

Q. Was it six months?

A. I cannot say.

Q. Was it a month?

A. More than that.

Q. Two months?

A. More.

Q. Three months?

A. More than that.

Q. Was it four months?

A. I cannot answer to a month.

Q. I call upon you again—Was there no complaint made against you for fabricating that will?

A. Never, to my knowledge.

Q. Good God! do you not know certainly whether you were charged with a capital felony!!!

A. Never, to my knowledge.

Q. Answer positively. Was you not accused personally to your teeth?

A. Not that I know.—Her brother came to town about it.

Q. I desire that you will say upon oath, Was there never a complaint made to you on the subject of that will?

A. Never.

Q. And this you directly swear?

A. I do.

Mr. Erskine desired these words also to be taken down.

Q. Do you know a Mr. Cox, a cheesemonger?

A. I dealt with him for cheese and hams.

Q. What, for your family?

A. No; to sell.

Q. I thought you was a hair-dresser?

A. I drest my customers, but my wife sold cheese and hams,

&c. I dealt with Mr. Cox, but the hams were of a bad quality, full of dirt and stones.

Q. Am I to understand you, that you never dealt in stores?

A. Never. I have bought old cordage, paper stuff, and such like.

Q. Did you never say, you was a dealer in *raw materials*, and when asked the meaning of this—That you attended the Government sales, and bought them for one fifth of their value, by bribing the keepers to condemn them?

A. No.

Q. Did you not tell Mr. Hilliar that you had been in the constant practice of cheating the King in this way?

A. No. I said I had been trying to discover the frauds in this way, in order to give information.

Q. Did you not tell Mr. Hiller that copper was conveyed out of the King's stores in butter firkins?

A. I said I heard so. I had been employed to make inquiries.

Q. Oh, you was employed in this way also. Did you not say that there was a woman in Tooley-street in whose premises 1200 cwt. of stolen copper had been found?

A. I perhaps did say so: I wished to find out all this for Mr. Colquhoun.

Mr. Erskine then asked him to state from his notes accurately, the dates of all the different meetings where the expressions had been made use of which he had given in evidence; and this he did; And after pressing him again to swear positively that he had heard those expressions made use of, the cross-examination closed.

Mr. Garrow then asked him whether the remainder of the sum due on his note to Lincoln had ever been demanded, until Mr. Macnamara discovered him at the London Coffee-house? He said, Mr. Lincoln called upon him some time ago, but not since. Mr. Garrow made him repeat the conversation with Mr. Macnamara, and concluded with asking him, whether the transaction of Mrs. Colman's will was a fair and honest transaction on his part?—He said it was.

It being half past one o'clock, the Court then adjourned to eight o'clock next morning.

*Friday, October 31.—Fourth day.*

The court having met at nine o'clock, Mr. Attorney General produced two papers which had been seized in the house of Roussel, who is now confined in Newgate, and it was proved that he was a Member of the Constitutional Society. These papers seemed to be brought before the court for the purpose of implicating Roussel in the charge of a treasonable conspiracy. The first paper was a small pamphlet, containing directions for learning the manual exercise. This was proved to have been printed previous to the arrest of the prisoner, and was deemed legal evidence. The other was a song, and after it had been read, it appeared to have been found *after* the apprehension of Hardy, and being therefore declared not to be legal evidence, the Court admonished the Jury to endeavour to expunge from their minds all knowledge of the existence of this paper.

Several papers found on Thelwall and Martin were produced, and judged to be good evidence, as they had relation to the transactions at Chalk Farm, and appeared to have been prepared for the purposes of that meeting.

John Groves being sworn, he represented himself to be a

Conveyancer, but afterwards, upon being questioned closely by the counsel for the prisoner, admitted that he was accustomed to act in the capacity of a solicitor at the Old-Bailey.

He attended the meeting at the Globe Tavern on the 20th of January last, at which time he was not a Member of the London Corresponding Society, but was admitted into that Society in the early part of the following month. He said that, by the desire of a gentleman high in office, he procured himself to be admitted a member, for the purpose of observing what was going forward, and of giving information of the same.

The meeting on the 20th of January was numerous, and Mr. Martin being voted into the chair, he read, a paper which he called an Address, the general purport of which was in recommendation of universal Suffrage and annual Parliaments, to be obtained by enlightening the minds of the lower orders of the community, by instructing them in what the natural freedom of mankind consisted. He added that the mode of communicating the information proposed in the Address, was by the distribution of Papers and Pamphlets adapted to excite their attention, and convince their minds by rational argument.

*Mr. Gibbs* contended against the admissibility of the evidence given by the witness, on account of no names having been mentioned.

*The Lord Chief Justice* said, that if the witness knew the names of any of the persons present at the meeting, it was his duty to mention them; but it was impossible for the court to make him mention the names of persons if he did not know of any.

Groves now proceeded in his evidence. Several resolutions were passed with the general approbation of the company, among whom he heard nothing on the subject of fire-arms.

The witness had two or three times attended the Lectures delivered by Thelwall at his house in Beaufort Buildings, in the Strand, which he represented as containing a general abuse of administration; as treating every branch of the Legislature with contempt and ridicule, and holding up his Majesty as an object of derision.

Being asked whether he recollects any particular reproach applied to the King, he replied that he once heard his Majesty described under the title of King Solomon. It was the custom of Thelwall to speak of the House of Lords as an aristocratic assembly, which absorbed all the other branches of the Constitution. He recommended the Convention as the only eligible means of new modelling the Government, and rescuing the country from ruin; and stated, that in a Convention the genuine sense of the People would

be collected through the medium of universal Suffrage and annual Parliaments.

He was present at a very numerous meeting at Chalk Farm, on the 4<sup>th</sup>. of April, but at that time he was acquainted with the persons of but very few who attended, though he has since known many of them. He knew that Lovett acted as Chairman at the meeting at Chalk Farm, and that Hardy attended the meeting.

At this meeting a letter from the Society called the Friends of the people was read, and was at first received with general silence, which was succeeded by some persons expressing their disapprobation by hissing. The witness said the proceedings of the Society were read, as well as a string of resolutions. (For the resolutions see page 56 and 57.)

Groves said that the place originally appointed for the meeting was in Store-street, Tottenham Court Road, where he met Thelwall, who informed him that the Society had been under the necessity of changing the place of meeting from Store-street to Chalk Farm, in consequence of an interruption being apprehended from the Magistrates.

He accompanied Thelwall to Chalk Farm, where Mr. Lovett took the chair, but on whose proposition he did not know. The principal speakers at this meeting were Lovett, Thelwall, Richter, and Hodgson. A clamor was raised that there were spies and informers among the company. Thelwall proposed admitting all persons, spies or otherwise, as the assemblage of a great concourse of people would be disagreeable to the ministry. A number of Resolutions (for the resolutions see page 56 and 57) were read by Richter. While the resolutions were reading, the words *British Senate* were objected to. Hardy spoke but five words, and those while the draft of an address to Joseph Gerald was reading. The words spoke by Hardy were, "Read, Sir, but without Comments."

Mr. Law asked the witness whether he heard Mr. Thelwall make use of any remarkable expression, to which he answered in the affirmative.

**Q.** What was it you heard Thelwall say ?

**A.** At a meeting of one of the Divisions of the Society held in Compton-street in the evening of the Day of the meeting at Chalk Farm, he took a pot of porter in his hand, and striking off the froth on the top of it with a stick, said, thus I would serve all Kings, or thus I would have all Kings served, I am not sure which he said.

**Q.** Did you hear any seditious toasts drank ?

**A.** Yes, several ; and some of the members spoke very contemptuously of Parliament.

**Q.** Did you see any knives made on a new construction ?

**A.** I did. I went to cut some bread and cheese under a shed, prepared for the occasion, and I was surprised to see

several members pull knives out of their pockets to cut with.

Q. Describe them.

A. They were French knives, and had a spring that prevented them shutting when once opened. One of the Members observed, these were good instruments for cutting bread and cheese; upon which there was a general smile around.

Q. Did you see Green there?

A. I did.

Q. Did he say any thing that you took notice of?

A. He said that his wife was a d——d Aristocrat.

Q. Did you ever see this paper, called the "Rights of Swine?"

A. I did. It was ordered to be printed and circulated at the Societies.

Q. Were you present at the meeting at the Crown and Anchor Tavern in the Strand, on the 2d of M<sup>r</sup>ch, 1794?

A. Yes.

Q. How came you to go there?

A. Between the hours of nine and ten o'clock on the preceding night, Mr. Hardy came to my house and left a ticket for me. I saw 7s. 6d. marked on the back of it, and offered to pay him, but he would take nothing.

Q. Were any, and how many, of the Members of the London Corresponding Society present?

A. I think I may say twenty.

Q. What passed in the meeting?

A. Before dinner, some bad news arrived, very unfavourable to this country, and it seemed to give universal satisfaction. When the company appeared, *Ca Ira* struck up, amidst repeated applauses and acclamations; then the *Marseillois* Hymn and the *Carmagnol* were played. I am sure the hands of the Gentlemen must have been sore with clapping, and their ears stunned with the noise. Mr. Tooke, I think, was in the chair. Mr. Wharton, Lord Daer, Mr. Sharpe, Mr. Frost. Mr. Moore, Mr. Pierce, Mr. Jones, Mr. Hilliar, and others were at the dinner. *Ca Ira* was loudly encored.

Q. Did Mr. Tooke make any speech to the company after dinner?

A. He did and I paid particular attention to it

Q. What was the purport of Mr. Tooke's address to the company?

The witness here gave an analysis of Mr. Tooke's speech. He called the House of Commons a foul sink of corruption. He reviled the newly created Lords, represented them as a reproach to the peerage, and asked what claim that *Skip-Jack-Jenkinson* had to hereditary nobility. He represented party as a juggle and combination against the liberties of the people. This speech was received with the greatest applause.

## Cross-examined by Mr. Gibbs.

The witness said he was a conveyancer, and not an attorney. He denied that he was a Solicitor in Chancery, but after much fencing with the counsel, admitted that he was an *Old Bailey Solicitor*, although he did not rightly comprehend the import of the expression. In consequence of an intimation from a gentleman high in office, whose name he did not chuse to mention, unless compelled to do it by the Court he attended.

Mr. Gibbs insisted upon knowing the authority under which he acted.

Mr. Law said the Court was bound to protect the channels of information. It was sufficient if the witness acknowledged the purport of his mission.

Mr. Gibbs. You went there then as a spy?

A. I have no objection to that appellation, if you like it.

The Court thought it indecorous for counsel to use *nickname*.

The witness proceeded. He confessed he had not ceased to practice at the Old Bailey, but latterly business had been very slack. At the time he attended the meeting at the Globe, he was a stranger to almost every person in the room, and on that account he could not speak to what had been advanced by every individual. About five hundred members attended.

He was asked whether he was acquainted with any person present? He replied in the affirmative, his name was Walsh, and he believed him to be employed by Government.

Mr. Gibbs then asked, whether he was not a spy? The witness said, most assuredly, but still denied that he himself came under the description of a spy. The witness was then asked, whether he was not afraid of a brother spy? To which he answered No, for Mr. Thelwall had declared they ought to be treated kindly during their stay. His reason for not acknowledging that he knew Walsh to be a spy, was that he might not incur suspicion, and frustrate his object; the man was indeed too notorious to be concealed! About four or five thousand persons, he believed, might be present at this meeting.

With respect to meeting at the Crown and Anchor, to his astonishment it was composed of some of the most respectable characters in the country. Tooke spoke very highly of the hereditary nobility, and paid them a number of compliments. He said, their proper influence had been very much diminished, and their nobility sullied by the great influx of new peers, that they were introduced into the House of Lords by those persons he had been reprobating in the Commons. He spoke of the king with the greatest respect; and he (the witness) recollects this the better because, he said, the Mi-

nistry had coalesced with the new nobility to amuse, or abuse, that poor man, who had lost his due weight in the State, by that combination.

Gurnell identified a song found at the prisoner's house, which had a tendency to excite the people to insurrection.

Dobson produced a pike found in Hil'airs possession on the 29th of May.

Camage said he was at Edinburgh, when the Convention was dispersed. He visited Margarot in the Talbooth, where he saw a French knife of a large size. In his cross-examination, he said, Mr. Margarot had no other knife to cut his viands with.

Lynam, an ironmonger, and delegate of the London Corresponding Society, gave a history of several divisions which he had visited. The prisoner, he believed, was Secretary to No. II. In that division on the 29th of October, 1792, Mr. Paine's Address to the French nation, was read, and ordered to be printed for the use of the members; at another meeting when he was present, a report was brought by the delegate, stating, that the Address which had been recently transmitted to the Convention of France, was received, and copies of it ordered to be sent to the eighty-three departments.—The witness entered at large into the proceedings of a number of the divisions, which he appeared to have visited for the purpose of collecting intelligence.

The witness, who stood avowed as a person employed by Government, went through a detail of his minutes, taken at several meetings of the delegates and divisions. The contents of his *porte feuile* proved, however, of little importance, though it occupied the attention of the Court for several hours. We shall fairly state, with all the strength which belongs to them the prominent points of his evidence.

At a meeting of delegates on the 5th of Feb. 1794, a proposition was made by Mr. Baxter, one of the parties included in the present charge, to pay out of the quarterage 6d. to the Society and 7d. to the people of Spittlefields, for the purpose, as was stated, of keeping them together. It was also intimated, that the Friends of the People did not go far enough for their purpose, and that there must eventually be a struggle.

At a subsequent meeting, it was resolved, that the surplus of the receipts should be appropriated to the 16th and 25th divisions, the members being extremely poor, but, as Mr. Margarot observed, they would be of use "in case of a war." The witness was asked his ideas of this expression.—He understood it to mean a rising of this country against its government.

## No. 5.

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A letter was read in this meeting from Sheffield stating the necessity of a general petition to Parliament. Mr. Margarot said, that they were here "getting **FAST** again;" that this was not the mode. But that however the petitions should be signed to keep the public attention alive to the subject.

Much of the remainder of this detail consisted of the increasing numbers in the different societies—of the dispositions of the quarterly contributions, and of the organization of the affiliated societies.

It was mentioned in one of the meetings of delegates, that Mr. Fox had stated in Parliament, that the people had a right to alter the Constitution, and that the Aldgate Society had even voted him thanks for this maxim. It was observed, in confirmation, that the Scotch and Irish Conventions had actually proceeded on this principle.

It was in consequence determined in the meeting of delegates to send a circular letter, praying the opinion of the other societies with respect to the best mode of reform. Similar letters were to be sent to Sheffield, and to the other provincial societies.

At the division, No. 12, Lord George Gordon attempted to interfere by means of Mr. Watson his Secretary, but it was determined that in their pursuit of reform they should have nothing to do with so troublesome a person.

A Society, in Holborn, called the Gotham Society, at this time declared their sentiments for Republicanism. It was dissolved shortly after, and its acting members joined the London Corresponding Society.

On the 15th of February, the Friends of the People, of what designation the witness did not remember, wrote "that they would not give up the powers of acting to any other Society, but they hoped that the time of action was not far distant."

On the 20th of February, at a meeting of the delegates, their thanks were ordered to be given to Mr. Erskine, for his efforts in favour of the Liberty of the Press; to Messieurs Fox, Sheridan, Grey, and the glorious Minority of 52; and of Lords Stanhope, and Lauderdale, for their exertions in the cause of Freedom.

At the same meeting Mr. Gerrald offered to draw up a petition to the House of Commons for a Parliamentary Reform, to call on Mr. Mackintosh, and in company with him to present it to Mr. Fox, to be by him offered to the consideration of Parliament.

At the subsequent meeting of the delegates Mr. Margarot proposed that a thousand of Mr. Friend's pamphlet, addressed "to Republicans and Anti-Republicans," should be printed with strong comments.

It was agreed that letters should be sent to the different Societies, to quicken their petitions, and that bills should be stuck by night, to inform the public where those petitions lay for signatures.

The witness then proceeded to state from his notes the particulars which passed at a dinner held on the second of May. These, however, amounted to nothing more than a recapitulation of the toasts, the most prominent of which were,

May Despotism be trodden to pieces under the hoofs of the Swinish Multitude.

The Universe for our Country, and Philanthropy for our Religion.

May the Temple of Liberty have no basis but the Earth, and no dome but the Skies.

THOMAS PAINE.

May Governments cease to be a conspiracy of the Few, against the Many.

JOHN HORNE TOOKE, and thanks for his opposition to Despotism.

The Victims of Despotism, and spirit to redress their injuries.

Lord Sempill, &c.

At nine o'clock that night a letter was received from Mr. Fox, declining to present their petition. This letter was addressed to Mr. Hardy. Mr. Fox said, that as "radical reform, by which it was generally understood "universal representation, was included in the terms of their petition; he thought it would come with better grace from any other Member." To that principle he had always been an avowed enemy.

It was immediately resolved, that Mr. Francis be requested to present the petition.

Mr. Lauzun was called in to identify this letter of Mr. Fox, as having been found in the house of the prisoner, and it was accordingly received in evidence.

The Court adjourned for an hour, and upon its being resumed, the witness proceeded.

At a meeting held on the 23d of May, it was proposed that

a general Assembly of all the Societies should be held. This proposition was declined, in consequence of a letter from Mr. Littlejohn, stating the substance of a Letter from Mr. Le Brun; and the apprehension that a suspicion might be entertained of the Society holding a correspondence with France, Mr. Hardy moved an adjournment, which was not carried,

In a Meeting on the 6th. of June, a vote of thanks was proposed to Mr. Wharton, for his proposition in the Commons, to restore the Constitution to its purity, according to the Rights achieved in 1688. In the following Meeting this motion was adopted, and he was recommended to persevere, in despite of the contumelious silence of the Majority; in the full assurance, that it would have its due weight with the people.

The witness ceased to be a Delegate from this period. He was present at a Divisional Meeting in the month of September, 1793, when an Address to the King was pronounced treasonable by Mr. Vaughan, and another ordered in consequence to be presented.

The witness said, he was at the Globe Tavern at a dinner, at which Thelwall and the prisoner were present; but he did not recollect that any thing material passed upon that occasion; he acknowledged that he attended this and other assemblies as a Spy upon their conduct: he was also present at several meetings of the Members of the London Corresponding Society, when the prisoner and several Delegates attended. At one of these meetings a motion was made by Thelwall, that a permanent Committee should be appointed to consider of the measures necessary to be adopted during the then posture of affairs; he said his object in attending these meetings was to communicate information to persons in authority, of their proceedings. With this view he had procured himself to be a Delegate; he was suspected by some of the members of infidelity and treachery; and was tried, but as he stated, honourably acquitted: he underwent a short examination by Mr. Erskine, which gave rise to a very long and uninteresting argument upon the legal admissibility of a question, which terminated in the rejection of it.

A Paper was then read in evidence, in which taxation, according to the present mode of representation, was described to be robbery, and a submission to it, the most abject slavery.

This Paper was found in the possession of the prisoner.

Another Paper found in the prisoner's possession, pointing out the grievances, under which the people laboured, and the necessity of a Parliamentary Reform, was also read in evidence.

*John Coates* was then called, and examined by the Attorney General.

Q. Do you know Mr. Franklow?

A. Yes.

Q. Are you an apprentice to him?

A. I am.

Q. What trade is he?

A. A taylor.

Q. Did he not live in Lambeth?

A. Yes.

Q. How did he use to employ his nights after he was done work?

A. He generally went out, and stayed late.

Q. Was there any thing going on up stairs in your master's house in an evening, after they had done work, and what?

A. I have frequently noticed some persons coming, who employed themselves in the military exercise.

Q. Who were they?

A. I only knew two of them, whose names were Williams and Kildaine.

Q. Was it Williams the gunsmith?

A. It was.

Q. What was the number of persons who used thus to assemble?

A. About eight.

Q. Do you mean to say eight at a time, and were they always the same?

A. I thought so.

Q. At the times of these exercises, did they keep the windows open or shut?

A. Shut.

Q. What do you mean, the windows down, or that nobody should see into the room by means of curtains or shutters?

A. The shutters always closed.

Q. At what time did they generally come?

A. About eight o'clock.

Q. Did your master go to any other place?

A. Yes; sometimes to Worcester-street, in the Borough.

Q. Did he go there to exercise?

A. I do not know.

Q. Where were the arms kept?

A. In the first floor.

Q. Did you see any of them laying about?

A. I was not with my master when he was taken up, nor did I see any of the arms after.

Q. Where were the cartouch boxes kept?

A. In the cutting room, and I have heard my mistress say —

What she had said was deemed inadmissible evidence.

**Q.** Did you ever see your master in his regimentals?

**A.** Yes, I have.

Upon his cross examination by Mr. Erskine, the witness said that the clothes he had described as regimentals, consisted of a blue coat turned up with red, and a white waistcoat and breeches, and that he never saw his master in this dress but once, and that was on a Sunday morning in his own house. And he said the cartouch boxes he had spoken of were not concealed, but lay open upon the shop-board.

*Cross-examined by Mr. Erskine.*

**Q.** You have told the Court that you have seen your master in his regimentals; now, sir, did not those regimentals, as you call them, consist of a blue coat turned up with red, and a white waistcoat and breeches?

**A.** They did.

**Q.** When he was dressed, was it not publicly?

**A.** I never saw them on but once, and that was on a Sunday morning in his own house.

**Q.** Did the other persons whom you have spoken of wear regimentals?

**A.** I do not know.

**Q.** The cartouch boxes you have mentioned, did they not lie open on the shop board?

**A.** They did.

John Walsh was at Chalk Farm, heard the word Convention there, but the confusion was so great he knows not from whom. Heard also of corresponding with other Societies, but knows not for what purpose. Heard the resolutions read and ordered to be printed. Heard nothing of arms.

Thomas Green, manufacturer of perfumery. Has dealt in cutlery ever since he was in business. Had from Sheffield three dozen of knives with a spring to prevent their shutting when opened. Sold fourteen of these, and one of them to the prisoner. He gave the prisoner six to choose out of, and got back four, after the prisoner was apprehended. He sold one to Billings, and one to Groves. He ordered the knives from Sheffield, on a pattern shewn him by a rider. Remembers seeing a member of the Corresponding Society in Compton-street eat his supper with one of them. The witness produce one of the knives which he said was of a sort to be seen in any shop. He had had one of the same sort for seven years.

*Cross-examined.*

**Mr. Erskine.**—Were these knives of a new pattern?

**A.** By no means, they are very common.

**Q.** Did you understand them to be knives particularly adapted to any mischievous purpose?

A. By no means, but useful knives for common purposes.

Q. Did you believe those who bought them of you, thought them peculiarly adapted for bad purposes?

A. By no means; if I had I would not have sold them.

Q. Have you any of them left?

A. About twenty out of three dozen.

I'm glad of it, I'd buy one of them myself.

Q. Had you any conversation with Groves on the subject of the knives?

A. Groves brought one, and said it was a very useful knife.

Q. Did you tell Groves that you sold several hundred knives, and to speak low, for that the parlour door was open, and your wife was a damned aristocrat?

A. Never.

Q. I think it proper to inform you, that Groves has sworn so?

A. I never made use of any such expression.

Q. Do you mean to swear, after being told what Groves has sworn, that you never made use of any expression implying secrecy with respect to the knives?

A. I do say so upon my oath. The knives lay in an uncovered glass case in my shop, and in the window, like other articles for sale, and were concealed from none of my family.

Edward Hudson was next sworn. Having looked at a paper he said he received directions from a member of the Corresponding Society to print it.

This paper was read, and the purport of it was to recommend the people to procure arms, and learn the use of them.

Upon his cross examination, the witness said he had been a member of the London Corresponding Society for above three months, but he declined giving his attendance from the time of the prisoner and Mr. Adams being apprehended. While he continued a member, he had no reason to imagine the Society had any other object in view than to procure a reform in parliamentary representation by legal and constitutional means. He never heard or supposed it to be the intention of the Society to depose the King, or commit any act hostile to government.

George Ross sworn. He was a member of the Friends of the people at Edinburgh, and also of the British Convention, having been also delegate from the latter. He deposed that the members of the Convention never meant to resist the authority of the King or the Government; that the members were people of sober and discrete lives, who, in their endeavours to procure a reform in parliament, did not suppose they were acting against the principles of the Constitution.

Arthur Mc'Quire was a delegate of the British Convention in Scotland. After the dispersion of the Convention, a com-

mittee of Union was established, of which Watt was a member; he likewise was of a committee of supply conjointly with Downie and the present witness. In this latter committee Watt, proposed to read a plan for seizing the Lord Justice clerk of Scotland, the Lord Provost, and the Lords of Council and Session.

He stated the further particulars of Watt's plan to set fire to the Excise Office, and to draw out the military in such a way, as to place them between two parties.—It proposed to seize on the banking-houses, &c. The witness said that he wished only for Reform. That he would not disturb the peace, or shed the blood of his fellow subjects. No more was said afterwards on the plan. There was a second meeting about a fortnight afterwards, when Watt suggested the necessity of prohibiting the dealers in corn, &c. to export their goods; and gentlemen not to depart more than three miles from their own houses, under penalty of death. On this suggestion nothing was done. There were then only five members present of the committee.

An Address was proposed to be sent to the King, praying him to dismiss his present ministers, and to put an end to the war, otherwise he may "expect bad consequences, or abide by the consequences." The witness could not tell which was the phrase employed. This Address was to be sent the morning after the attack. The witness said he wished only for a Reform, and would not accede to any of these propositions.

He went with Watt to Orrock, and the latter drew on the table a sketch of a pike. Watt desired him to be busy, as four thousand of them would be wanted for Perth. He knew Stock. He was present when a safe mode of correspondence was planned between Watt and Hardy, by Stock who was coming to London.

Being cross-examined by Mr. Erskine, he admitted, that Hardy could know nothing of this proposed correspondence. He should not have entered the Convention, if he thought they entertained any plan of seizing on the Judges, or committing any act of violence. The last deliberation of that meeting was, whether they should present a petition to the King, or to the Parliament.—The Convention never amounted to more than one hundred. He had never heard the members speak of having arms, or of assuming the functions of Parliament. In this Society no object was ever proposed, but that of annual Parliaments and universal suffrage. No person ever suggested that they were to touch the King, or overturn the Monarchy.

*Mr. Garrow* resumed the examination of this witness. He asked him, whether a new Convention was not to be formed, not to be separated but by superior force; and funds established for their support. Of these purposes the witness was

ignorant. Mr. Garrow asked, why he did not disclose the first propositions of Watt to a magistrate?"

[*The Court humbly interposed, and pronounced it improper in the Counsel to attempt to lead his own witness into a confession of High Treason.*]

William Middleton was called, who had searched Watt's house, and found some pikes. The Lord President asked, whether this was not subsequent to the apprehension of Hardy? And on being answered in the affirmative, refused to admit the evidence.

After some conversation it was agreed, that the Court should meet next day at twelve o'clock.

Adjourned at a quarter before One.

*Saturday November 1.—Fifth Day.*

The Court being opened, *The Attorney General* proceeded to call evidence. The first witness was

*John Shaw*, one of the king's messengers, who being sworn, he deposed, that the paper produced to him, he found in the house of John Thelwall, either on the night of the 13th, or on the morning of the 14th of May last.

*John Nost*, a messenger, found the paper produced to him, in the chest of John Martin.

*The Attorney General* said, that these papers were the copies of Resolutions, intended to have been proposed at the meeting of the London Corresponding Society, held at Chalk Farm, on the 14th of April last; which Thelwall and Martin were to prepare, and which he should prove to be in the hand-writing of Martin; for this purpose he called,

*William Walker*, who examined the papers, and declared that he believed them both to be the hand-writing of John Martin.

*Mr. Gibbs*, one of the prisoner's counsel, cross-examined this witness. He has seen Martin write frequently—He (the witness) lived in the Adelphi.

*Evan Evans* swore that he had been confined for debt in the King's Bench prison about two years; that he was liberated from thence about six or seven months ago;—but correcting himself, he said, he was discharged from thence on the 1st of July last. From Martin having been confined for debt in the same prison, he became acquainted with him, and he there saw both the papers produced in Martin's room; it was in the beginning of April that he saw them, and before the meeting at Chalk Farm was held. They were not then dated. Martin told him, that he wrote these Resolutions for the Chalk Farm meeting; and read them several times over in the room while the witness was present. He said that he had put plenty of *Cayenne* in them, and that if they would follow his advice, there would be plenty of *warm work* before the month

was out. His wife saw the papers, and Mr. Gay, Mr. Toule, &c. some other persons heard the declaration of Martin, respecting his having prepared the resolutions.

Martin continued—that he had drawn up the Resolutions to be submitted to the Chalk Farm meeting; that they were warm, for he had put plenty of cayenne into them, and if they took his advice there would be hot-work.

The Attorney General remarked, that Pearce was the Sub-Secretary to the London Corresponding Society.

The Witness proceeded.—Pearce at the time he brought them to Martin, in the King's Bench Prison, said, that he had a number more, but that he had given the greater part of them away among the men at a coachmaker's in Long-acre; that Hardy had plenty of them, and if he wanted any more he would bring them to him.

Ann Evans said she had seen Mr. Martin reading a paper, when her husband was present.

Mr. Gibbs cross-examined this Lady. She said that the Resolutions were for the meeting of the Society to have been held at a dancing-room in Stoe-street, Tottenham-court-road. She had very frequently read the paper. (This was the meeting which was adjourned to Chalk Farm.)

Thomas Toule said, that he was a Prisoner in the King's Bench, at the time Martin was confined for debt there, and he became acquainted with him. He never saw the paper, produced, but he heard Martin say, three or four days before the meeting at Chalk Farm, that he had prepared resolutions for that meeting, which were warm; and that if they would follow his advice there would be hot work. He knew Mr. Richard Gay, who was a Prisoner in the King's Bench.

The attorney General then put in the paper which was read.

“ At a General Meeting of the London Corresponding Society, held at \_\_\_\_\_ on Monday the 14th day of April, 1794.

“ Citizen—— in the Chair,

“ Resolved,

That all sovereign, legislative, and judicial powers are the Rights of the People; and though the People have delegated those their original powers to others, in TRUST for the benefit of the community, yet the rights themselves are reserved by the People, and cannot be absolutely parted with by the People to those persons who are employed to conduct the business of the state.

“ Resolved,

That the Constitution of England is held by the King, Lords, and Commons, and other Officers appointed by the People, in TRUST, for the benefit of the People; and though these trustees may regulate and improve the Constitution, yet

they cannot alter or subvert it without committing Treason against the Nation.

“ Resolved,

That MAGNA CHARTA, or THE GREAT CHARTER OF THE LIBERTIES OF ENGLAND, made in the reign of King John; THE PETITION OF RIGHTS, assented to by Parliament in the reign of King Charles the First; and the several laws made at and in consequence of the GLORIOUS REVOLUTION in the year 1688, are declaratory of those parts of the Constitution of England, which are in and by them respectively declared.

“ Resolved,

That the office of King of England was not instituted by the people merely as an office of profit and honour to the King, but he was so appointed as chief trustee and guardian of the Constitution and rights of the people; and that important and laborious and personal duties are annexed to the regal office, the objects of which are, to promote the good of the people, and preserve their rights in full vigour from innovation and corruption.

“ Resolved,

That it is the duty of the King to preserve the Constitution of England and the rights of the people against every encroachment; and, in order to enforce that duty, the following oath is required to be taken by every King on his accession to the throne of Great Britain; to wit: the Archbishop or Bishop shall say—will you solemnly promise and swear to govern the people of this kingdom of England, and the dominions thereto belonging, according to the statutes in Parliament agreed on, and the laws and customs of the same?”

“ The King or Queen shall say, “I solemnly promise so to do.” Archbishop or Bishop.—“ Will you to thy power cause law and justice in mercy to be executed in all thy judgments?”

ANSWER.—“ I will.”

“ After this, the King or Queen, laying his or her hand on the Holy Gospels, shall say—“ The things which I have before promised, I will perform and keep; so help me God;”—and then shall kiss the book.”

“ Resolved,

That his present Majesty, King George the Third, on his accession to the throne of these realms, did solemnly take the said oath.”

“ Resolved,

That the Constitutional Rights of the People have been violated, and that it is the duty of the People, in the present alarming crisis, to assemble and inquire into the innovations or infringements which have been made upon the Rights of the People, and how far the declarations of the Constitution,

as they were settled at the aforesaid Revolution, remain in force, and which of them have been violated, and by whom; and also whether such innovations, infringements, and violations, have been committed from the negligence or corruption of those who have been intrusted with the Government of the State.

“ Resolved,

That this Society do invite the people to meet in their respective neighbourhoods, to elect one or more person or persons as Delegates, to meet in a Convention to be held on the day of next, at such place as shall be appointed by the Secret Committee of this Society; and that the Delegates so elected do forthwith transmit to the Secretary of this Society, No. 9, Piccadilly, London, the vouchers of their several elections, in order that the place of meeting may be duly notified to them.

“ Resolved,

That it is the right and bounden duty of the people to punish all Traitors against the nation, and that the following words are not a part of the Oath of Allegiance;” to wit. “ I declare that it is not lawful, upon any pretence whatever, to take arms against the King.”

John Edwards was sworn, and a hand-bill produced to him.—He was asked, if he had ever seen such papers? He said that he had seen one of these bills handed about at the Division Meeting of the London Corresponding Society, No. 11, held at Mr. Scotney’s on Snow-hill.

This bill was put in and read. The following is a copy of it:

“ The Ins tell us we are in danger of Invasion from the French.

“ The Outs tell us that we are in danger from the Hessians and Hanoverians.

“ In either case we should arm ourselves.—Get arms, and learn how to use them.”

William Middleton, one of the Sheriff’s Officers of the county of Edinburgh, said, that on the evening of the 15th of May last, he found in the house of Robert Orrock, smith, in Edinburgh, thirty-three pike blades, finished and unfinished. They were only the blades: on the same day he found in the house of Robert Watt, who was lately executed at Edinburgh, twelve pike, or spear heads, finished. At a second search in the same house, he found two other pike heads similar to those found on the first search, two battle-axes, and one shaft pole.

He, in the first instance, went to search Watt’s house for the goods of a bankrupt, which where suspected to have been secreted therein; in a closet or press in the dining-room, which was locked up, he found the pikes on the first search,

and in the lower part of the house he found the rest ; these were delivered by him into the care of Sheriff Clarke.

## DEFENCE.

*The evidence for the Crown being closed, Mr. ERSKINE rose to address the Court and Jury in defence of the prisoner ; and he pronounced one of the most brilliant orations that ever was heard in a Court of Justice.*

The Hon. THOMAS ERSKINE.—“ Before I proceed to the discharge of that duty to which my situation this day calls me, I desire to return my thanks to the Court, for having adjourned their proceedings to an hour which has afforded me an opportunity to take that necessary refreshment which nature demanded, as well as to you, Gentlemen of the Jury, for the very polite manner in which you assented to an adjournment so essential to my accommodation, and to my being at all qualified for the task in which I am now to engage. Before I proceed to the case, as it regards the law and the evidence, I wish to follow the liberal example that has been set by the Attorney General, in his opening speech, in putting aside every thing collateral to the question. But first, both in the name of the prisoner for whom I stand, and for myself, I desire to subscribe to all that eulogium pronounced by the Attorney General on the Constitution of this Country, as handed down to us by our ancestors, the result of their superior wisdom and virtue, and entitled to the esteem and veneration of all posterity. But having premised this, the genuine expression of feeling, I trust not less sincere than those which dictated the panegyric of the Attorney General. What, I will ask, entitles the Constitution to this eulogium ! What renders it the object of our love and reverence ? I will not now speak of the right which it affords to its subjects, or of making their own laws, but of the equal protection afforded to all, and the security provided for the impartial administration of justice. The Attorney General seemed to lay great stress on the anarchy and confusion of France, on which he discanted at length. Into that subject I will not at present enter ; I neither will enquire into the causes by which they were first produced, nor the circumstances from which they have proceeded to such an extent. But what is it that the French have chiefly to deplore ? They are at present under the dominion of a barbarous necessity, in consequence of which no man's life, liberty, or property is secure, or at his own disposal for a moment. The first instant that a charge of incivism, federalism, or moderation, is brought against him, the sentence of the Revolutionary Tribunal follows—quick as the thunderbolt pursues the flash, and he is

doomed to behold his friends and family no more. Such is the comparative state of England and France; and what is the inference we ought to draw with respect to the present case. If the prosecution be indeed intended to avert from this country the horrors of that anarchy, under which France at present labours; if it be intended to secure the continuance of those blessings which it enjoys under its admirable Constitution, let not the Prisoner suffer from the execution of barbarous Laws barbarously enforced, or from the well-meaning enthusiasm of those, who, sincerely attached to the Constitution, are desirous to ensure its preservation at any price. For in former instances in the history of this country, where we have to lament the sacrifice of innocent persons under legal pretexts, I am apt to think we ought rather to condemn the mistaken zeal than the barbarous ferocity of the age. It is necessary then that you, Gentlemen of the Jury, should guard against this source of delusion and injustice, it is necessary that in the decision which you are called to give, you should stand on the strict and unequivocal letter of the Law. It would not be enough that the Prisoner should appear to you to have been rash, foolish, or wicked—the last of which it will be impossible to support by any colour of evidence—for I trust I shall be able to vindicate his conduct, which, in the present instance, is of little consequence. It must be proved to your satisfaction, that he has offended against that statute under which he is indicted. He holds his life from the Law, and by it he demands to be tried. This fair trial I ask; first, from the Court—I ask it more emphatically from the Jury—but lastly, and chiefly, I implore it of him in whose hands are all the issues of life, whose just and merciful eye expands itself over all the transactions of mankind, without whom not a sparrow falleth to the ground, at whose command nations rise and fall, and are regenerated—I implore it of God himself, that he will fill your minds with the spirits of justice and of truth, that you may be able to find your way through the labyrinth of matter laid before you; a labyrinth in which no man's life was ever before involved in the whole history of British trial, nor indeed the universal annals of human justice or injustice."

Mr. Erskine then proceeded to the Indictment—The first charge of the Indictment was, that the prisoners maliciously, traitorously, and with force of arms, did amongst themselves and other false traitors, to the jurors unknown, conspire, compass, and imagine to excite insurrection, rebellion, and war against the King, and to subvert the legislature rule and government of the kingdom, and to depose the King from the Royal State, title, power, and government of the kingdom, and to bring and put our said lord the King to death.—" Gentlemen of the Jury," said Mr.

Erskine, "you have been extremely good in taking down the evidence; allow me now to request you to attend to the form and substance of the charge. The whole Treason lies in the last member of the charge, viz.—*And to bring and put our said Lord the King to death.* The Indictment then goes on to charge the overt-acts—*And to fulfill, perfect, and bring to effect their most evil and wicked Treason, and treasonable compassings and imaginations aforesaid, viz.—to bring and put the King to death.* They met, conspired, consulted and agreed among themselves and other Traitors to the Jurors unknown, to cause and procure a Convention and Meeting of divers subjects to be assembled within the kingdom, with intent and in order that the persons so assembled, and at such Convention and Meeting, should traitorously, without and in defiance of the authority, and against the will of Parliament, subvert and alter, and cause to be subverted and altered, the Legislature, Rule and Government of the Country, and depose, and cause to be deposed, our Lord the King, from his Royal State, Title, Power and government thereof. That the Prisoner conspired the death of the King, and that in pursuance of this intention, he did all the acts charged in the Indictment, provided arms, and concerted the plan of a Convention. And here two things occur for consideration, which are absolutely necessary in order to establish the guilt of the Prisoner under this charge. First, it is necessary to prove, that he actually did the things which are charged in the Indictment. Secoundly, that he did them with the intention, and in pursuance of the object of compassing the King's death. Was this Convention by which he proposed to put down the King, to supersede the functions of the Legislature, and usurp to itself all the authority of the state? A man cannot be guilty of the overt-act, without having first conceived the intention. It is the intention which at the time passes through his mind, that alone attaches guilt to the act. And if you are satisfied with respect to the guilty intention, you are then to consider whether the overt-act is of a nature which amounts to the description of that charged in the Indictment. And here I would earnestly implore the attention of the Court, and of the Attorney General, to what the law is. It is not my intention on the present occasion, to offer any thing of my own. It is only my wish to make you masters of the authorities. Nor is it necessary that I should bring forward my own authority for the purpose of defending the prisoner, and answering the arguments of my Hon. Friend, the Attorney General—for my Hon. Friend I often have called, and still will continue to call him. He has not had recourse to barbarous precedents nor bloody murders committed under pretext of law; he has not brought forward the excesses of a rude and sanguinary age, or the legal sophistry of corrupt and profligate Judges—He has rested on

grave and venerable authorities, though mistaken, in my opinion, with respect to the deductions which he has drawn from them. That mistake I ascribe neither to the defect of his understanding or his heart; I have too high an esteem for the enlargement of the one, and the integrity of the other. On those very authorities which he has brought forward, I also mean to rest; and I am perswaded that if there is any difference among them, it will be found only to arise from a mere tripping of expressions. And first, I must advert to the constructive Treason of deposing the King. And here I must remark, that I stand in a tearful and delicate situation; it is necessary therefore that I should occupy a large ground, as not only the life of the prisoner at the bar is at stake, but the lives of many, who are behind, involved in the same question, and dependent upon the same issue."

A trial was nothing more than the application of the facts disclosed in evidence, to a rule of human action or conduct, the breach and violation of which constitutes the charge; the preliminary discussion must be (Mr. Erskine continued) what was the law, and what the breach of it, which the prisoner was called upon to answer. To do this, as it became him, upon so solemn and awful an occasion, he must resort to the history of the country, the records of the law, and the authoritative writings of the most learned men upon the subject of High Treason. In doing this, it was not his desire, as he said, to impress upon the Court any theories, or opinions, of his own, but to extract, by legal reasoning, from those unerring sources—the law of the land upon the subject.

As to the crime of High Treason at common law, before the statute of the 25th Edward III. upon which the indictment, and every indictment for High Treason, must now be framed, little was necessary to be said concerning it; he should therefore dismiss the consideration of the common law on the subject of Treason, with the observation of that great, excellent, and most learned person, whose memory would last as long as law or constitution remained to Englishmen, Lord Chief Justice Hale, who says, "That at common law there was a great latitude used in raising offences to the crime and punishment of Treason, by way of interpretation and arbitrary construction, which brought in great uncertainty and confusion. Thus encroaching [*i. e.* encroaching] on royal powers, was an usual charge of Treason anciently, though a very uncertain charge, so that no man could tell what it was, or what defence to make to it." He then proceeds to state various instances of vexation and cruelty, and concludes with this observation, "By these and the like instances that might be given, it appears how arbitrary and uncertain the law of Treason was before the statute of the 25th of Edward III. whereby it came to pass, that almost every offence that was,

or seemed to be, a breach of the faith and allegiance due to the King, was by construction and consequence, and interpretation, raised into the offence of High Treason." To remedy these grievous abuses, by which every faction in its turn sacrificed its enemies by arbitrary executions, founded upon constructive Treason, making ancient English like modern France, the wise and venerable statute of K. Edward III. was made, whose excellent and benevolent object was to make Treason certain. Lord Coke called the Parliament who passed this statute *Parliamentum Benedictum*, and the like honour was given to it by the different statutes which, from time to time, brought back Treason to its standard, " all agreeing in magnifying and extolling this blessed statute." As no Judge ever did or could deny that this statute was enacted to give, by its letter, all certainty and precision to the crime of Treason, and to prevent the arbitrary constructions by Judges, which had disfigured and dishonoured the ancient law, and brought, to use Hale's language, " insecurity upon both King and People." It might be affirmed that this celebrated statute would little have deserved the panegyrics bestowed upon it, if it had not, in its enacting letter, which professed to remove doubts, and to ascertain the law with precision, made use of expressions well known and ascertained; and it would be seen how cautiously it did so. The two great objects of the statute were to guard, 1st, The natural life of the King—and, 2d, His executive power and authority. So important was it considered to save the kingdom from the confusion into which it must be thrown by cutting off the life of the first Magistrate, that it made the *intention* to kill the King equivalent to the *act* of killing him; guarding the pre-eminent life of the Sovereign by sanctions superior to the ordinary laws, which guarded even the state itself; and therefore, though a compassing the death of the King, Queen, or Prince, was made High Treason, without the accomplishment of the purpose, yet a compassing to murder the Chancellor and Judges, whose lives, as the King's Representatives, were also guarded by the statute, was not made Treason. To compass their deaths, when sitting in judgment, was not made equivalent to the *act* of killing them; no, nor even the compassing to subvert the King's political authority by war and rebellion. The statute not having substituted the *intention* for the *act* in that branch, leaving the security of the King's natural person and life, and that of his Queen and Prince, the only exceptions to the ordinary rules of judgment and law. In order to prevent arbitrary constructions of this severe but arbitrary law, and to guard the subject from the uncertainty of judicial constructions of Treason, it cautiously sought for an expression well known and understood in the antient law, viz. *compassing the death*—the words are, " when a man doth compass or imagine

gine the death of our Lord the King.' Mr. Erskine said, as he wished cautiously in this part of his address to avoid every observation or opinion of his own, he would resort to the explanation of this expression by the celebrated Judge Forster— “ The antient writers (says Forster) in treating of felonious homicide, considered the felonious intention, manifested by plain fact, in the same light, in point of guilt, as homicide itself. The rule was, *voluntas reputatur pro facto*, and while this rule prevailed, the nature of the offence was expressed by the term *compassing the death*. This rule has been long laid aside as too rigorous in the case of common persons; but in the case of the King, Queen, and Prince, the statute of Treasons has, with great propriety, retained it in its full extent and rigour, and in describing the offence has likewise retained the antient mode of expression. When a man doth compass or imagine the death of our Lord the King, &c. and thereof be upon sufficient proof provablement attainted of open deed by people of his condition, the words of the statute descriptive of the offence, must therefore be strictly pursued in every indictment for this species of Treason; it must charge that the Defendant did traitorously compass and imagine the King’s death, and then go on and charge the several acts made use of by the Prisoner to effectuate his traitorous purpose, for the compassing the King’s death is the Treason, and the overt-acts as the means made use of to effectuate the intentions and imaginations of the heart, and, therefore, in the case of the regicides, the indictment charged that they did traitorously compass and imagine the death of the King, and the cutting off the head was laid as the overt act, and the person who was supposed to have given the mortal stroke was convicted on the same indictment.” This instance of the regicides, selected by Forster to illustrate that the traitorous purpose was the crime, was very striking and remarkable. Although the King was actually put to death, the homicide was not charged, but the traitorous purpose; and the then Chief Baron, in his speech to the Grand Jury, said, “ These persons are to be proceeded with according to the laws of the land, and I shall speak nothing to you but what are the words of the law. By the statute of Edward III. it is made High Treason to compass and imagine the death of the King. In no case else, imagination or compassing without an actual effect, is punishable by law.”

He then speaks of the sacred life of the King, and speaking of the Treason, says, “ The Treason consists in the wicked imagination, which is not apparent. But when this poison swells out of the heart and breaks forth into action, in that case it is High Treason. Then what is an overt-act of an imagination or compassing the King’s death? Truly it is any thing which shews what the imagination of the heart is.” Af-

ter shewing that the noble and sublime spirit of humanity, which pervades and supports the whole system of our jurisprudence, ever awake to interfere in protection of our imperfect natures, would not suffer the ancient law, with respect to private persons, to remain, he said, that for ages past the death of the private man had been held necessary to the completion of the felony; but, as Forster truly observed in the passage he had just read, this rule, too rigorous in the case of the subject, the statutes of Treason retained in the case of the King, and retained also the very expression. The Sovereign's life was made to remain an exception, and the *voluntas pro facto*, the will for the deed, remained the rule; and, therefore, said Forster, the statute meaning to retain the law, which was before general, retained the expression. The statute did not, in its first branch, make a new law in its principle or expression, but retained the old one applicable to subjects. It followed inevitably from thence, that within the letter and meaning of the statute nothing could be a compassing of the death of the King, that would not, in ancient times, have been felony in the case of a subject. The opinion of Judge Foster was confirmed by that of Lord Coke, by that great prerogative lawyer, whose infamous prostitution in the case of Lord Strafford would tarnish his name to all posterity, but still his opinions as a critic and a commentator, made him a proper authority for him to use. Lord Coke in his Commentary upon the words of the statute, which he did with that precision and technical nicety, which, though not calculated to please the ear, were so valuable in a book of science, when he comes to the words "doth compass," says, "Let us see first what the compassing of the death of a subject was before the making of this statute, when *voluntas reprobatur pro facto*"—thus falling in with the opinion of Judge Forster. He then stated Lord Coke's definition of the expression of common law, which went to show that the compassing the death of the King, not only by the plain common sense of the expression, but by looking back to the common law, from whence, for centuries back, the expression was admitted to have been borrowed; it was clear that a probable speculative consequence must not be confounded with an intention, since the overt act must be laid directly to shew the traitorous purpose of the heart. Notwithstanding the benevolent precision of this statute, it was lamentable to see the departures from it, which mark and disfigure our history; but, at the same time, it should be a theme of consolation to Englishmen to reflect, that as often as in arbitrary and wicked times, it was invaded by Parliaments and Judges, the justice of better Judges and better Parliaments brought the law back to the ancient standard; these invading statutes and judgments, and their repeals, were indeed decisive of the true construction of the statute.

The statute of the 25th Edw. III. had expressly directed that nothing should be declared to be Treasons but cases within its enacting letter; yet Lord Hale says, that "things were so carried by parties and factions in the succeeding reign of Richard II. that the statute was but little observed. But as this or that party got the better, so the crime of High Treason was in a manner arbitrarily imposed or adjudged, which by various vicissitudes and revolutions mischieved all parties first and last, and left a great unsettledness and unquietness in the minds of the people, and was one of the occasions of the unhappyness of the King." Mr. Erskine shewed, in order, the various statutes which had altered and impaired the statute of Edw. III. The statute of the 21st, of Richard II. which Lord Hale says, "was a snare for the people, insomuch that the statute 1st. Henry IV. which repealed it, recited that no man knew how he ought to behave himself, to do, speak, or say, for doubt of such pains of Treason, and therefore wholly to remove the prejudice which might come to the King's subject"; the statute 1st. Henry IV. ch. p. x. was made, which brought back Treason to the standard of the 25th of Edward III." Now what did this statute of Richard II. which produced so much mischief? It only went beyond the statute of Edward III. by the loose construction of compassing to depose the King, and raising people, and rising to make war. Levying force to imprison or depose the King, was already and properly Treason; but this statute of Richard II. enlarged only the crime of compassing; making it extend to a compassing to imprison or depose, and making that equal to an actual levying of war; and this extention was reprobated, stigmatized, and repealed by the statute of 1st. of Henry IV. and "so little effect," says Mr. Justice Blackstone, "have other violent laws to prevent any crime, that within two years after this new law of Treason respecting imprisonment and deposing, his very Prince was both deposed and murdered. Mr. Erskine then went on to the next departure of the statute in the 1st. and 2d. of Philip and Mary, which made a compassing to levy war, if manifested by printing, writing, or overt-act, High Treason. This shewed that a compassing to levy war was not considered to have been Treason within the act of Edward III. which required an actual levying of war. If compassing to levy war had been considered as compassing of the King's death, it would have been unnecessary to declare it Treason by this act. The first branch of the statute of Edward III. made it High Treason to compass or imagine the King's death; but the second branch of the statute required an actual levying of war necessary to constitute Treason.—The law made the natural life of the King so much more sacred than his executive authority, that to imagine his death was Treason, but there must be a positive attack made upon

his executive authority by the levying of war, to constitute the other. What was it that was meant to be restored by the statute of the 1st of Mary? The letter of the 25th of Edward III. or the judicial construction of it? Clearly it was the letter that was to be restored. He wished nothing to be taken, he said, from any unauthorised opinion of his own; but he wished to bottom himself upon the authority of the great Judges whose opinions had been pressed erroneously into the service against them. He said erroneously, because it would be seen that their declaration were reconcileable. The writings of those great Judges were thickly sown with warnings to Judges to avoid constructive treason. Lord Coke says, that "the statute of the 1st of Mary speaks a strong language against constructive treasons, when it says, it was declared by the whole Parliament, that laws justly made for the preservation of the whole common wealth, without extreme punishment, are more often obeyed and kept, than laws and statutes made with great and extreme punishments, and in special laws and statutes so made, whereby not only the ignorant and rude unlearned people, but also learned and expert men minding honesty, are oftentimes snapp'd and snared."

The Lord Justice of Scotland, said Mr. Erskine differed from this statute in what he said at Perth, "that very honest men were guilty of Treason without knowing it." In this statute of Mary, Lord Coke goes on to say that, two things are to be observed, 1. That the word expressed in the statute of Mary excludes all implications or inferences whatsoever. 2. That no former attainder, judgment, &c. &c. other than such as are specified and expressed in the statute of Edward III. are to be followed or drawn into example, for the words be plain and direct. And further, on commenting on the word *proveablement* he says, "In this branch it is to be observed, the word *proveablement*, *proveably*, i. e. upon direct and manifest proof, not upon conjectural presumptions, or inferences, or strains of wit, but upon good and sufficient proof; and herein the adverb *proveably* hath a great force, and signifieth a *direct plain proof*, which word the Lords and Commons in Parliament did use, for that the offence of Treason was so heinous, and so heavily and severely punished, as none other the like; and therefore the offender must be *proveably* attainted, which words are as forcible as upon direct and manifest proof. Note, the word is not *probably*, for then *commune argumentum* (a common argument,) might have served, but the word is *proveably* be attainted." Nothing could be so curiously and even tautologously laboured, as this commentary of Lord Coke upon this single word in the statute; which manifestly shews that so far from its being the spirit and principle of the law of England, to adopt rules of construction, and proof unusual in trials for other crimes, that

on the contrary, the legislature did not even leave it to the Judges to apply the ordinary rules of legal proof to trials under it, but admonished them to do justice in that respect in the very body of the statute. Lord Hale's words were equally striking. He brings forward instances to shew "how necessary it was that there should be some known, fixed, settled boundary for this great crime of treason, and of what great importance the statute of Edward III. was, in order to that end; how dangerous it was to depart from the letter of that statute, and to multiply and enhance crimes into treason by ambiguous and general words, such as accroaching royal power, subverting fundamental laws, and the like; how dangerous it was by construction and analogy to make treasons, when the letter of the law has not done it, for such a method admits of no limits or bounds, but runs as far and as wide as the wit and invention of accusers, and the detestation of persons accused, will carry men." Surely the admonition of this supereminent Judge, ought to sink deep into the heart of every Judge, and of every Jury who were called to administer justice, under an accusation upon this statute. The great man seems to have a bird's eye of the present trial; he seems to have anticipated the horrors of such a confused, heterogeneous mass of papers as were now brought before a Jury; where no specific overt-act directly expressive of an intention to compass the King's death was laid, no precise point of a man's life specified—but where four days had been necessary to the mere accumulation of the mass—where a speech of nine hours was required to explain the charge—and a whole life of treasons was to be collected from inferences, speculations, and tendencies that no man could touch with his understanding, nor treasure in his memory. The words of Mr. Justice Forster in his discourse upon treason were no less emphatical. After commenting upon writings and words when used as evidence of treason, he says, "I have considered the question of words and writings supposed to be treason the more largely, not only because of the diversity of opinions concerning it, but likewise for the great importance of the point, and the extreme danger of multiplying treasons upon slight occasions."

The next and the great question to be considered was, how the doctrines of these lawyers who had thus inveighed against constructive treasons were reconcileable with the positions to be found in their works, which had been cited and relied on by the Attorney General. In order to discuss the matter with precision, they must advert to the language of the passages cited, in doing which they would find that none of these great authors had said, that compassing to change the laws by force, was treason in the abstract, or that even compassing to levy war against

the King was treason in the abstract ; or that compassing to imprison the King, until he yielded to particular demands, was treason in the abstract ; but only that any of these acts might be laid as overt acts of compassing the King's death ; that they were acts that might be legally submitted to the Jury, as the means made use of to effectuate the purpose charged in the indictment, viz. the compassing the death of the King, and might therefore be legally charged upon the record, as overt-acts of that treason : the statute required that the compassing the death, which was the crime, should be manifested by overt-act ; the overt-act, therefore, must be laid in the indictment. What might be an overt-act was matter of law for the Judges, but whether, when so laid, it was sufficient to establish the traitorous purpose, was matter of fact to the Jury. This distinction was not peculiar to treason, but pervaded the whole law of England. What facts were evidence from whence any matter in issue might be legitimately inferred, was matter of law ; but whether any given facts, which were legally relevant to prove the matter which they were adduced to establish, were sufficient in any particular instance, depended upon the conclusion which the Jury should draw from the facts simply, or from the whole evidence upon the trial of the issue. Mr. Erskine illustrated this by a recent case relative to Bills of Exchange, which came before the House of Lords. When the question was agitated in the shape of a demurrer to evidence, it was decided by the House of Lords, that the conclusion to draw from relevant and admissible evidence, to prove any matter in issue criminal or civil, could not, by demurrer to evidence, or by any other process, be withdrawn from the Jury to the Judges ; the province of the Judges being to judge of the law, and consequently of the irrelevancy and inadmissibility of evidence as a branch of law, but that it belongs to the Jury alone in each particular case to draw the particular conclusions from relevant and admissible evidence. This distinction would at once explain all the seeming contradictions in the books concerning overt acts of Treason ; particularly in the Treason of compassing the King's death. The charge of compassing being a charge of intention, which, without a manifestation by conduct, no human tribunal could try ; the statute required that the intention to cut off the Sovereign should be manifested by overt-acts, and as a prisoner charged with an intention could have no means of knowing how to defend himself, when an intention was the crime, without notice of the facts from whence such intention was to be imputed to him, it was the practice to state, upon the face of the indictment, the overt-act, as the means taken to effectuate his purpose ; and by the statute 7th. William III. no evidence shall be admitted or given of any overt-act, that was not expressly laid in the

indictment. In order to confirm these doctrines, he would make his appeal to every record and authority in the law of England.

In the first place, so far were the overt acts of compassing to depose, or compassing to imprison, or compassing to change the laws by force or intimidation, or any other compassing short of the direct compassing the death of the King, capable of being made High Treason, that the indictment must charge that the Prisoner did traitorously compass the death of the King; and the overt-act can be put upon the record in no other way than as the means by which the existence of that traitorous purpose was to be put for the consideration of the Jury. He quoted Lord Coke in his 3d Institute, 11 and 12, to prove that this was his opinion. The contemplation, purpose and contrivance must be found to exist, without which, says Lord Coke, there can be no compassing. Lord Coke's doctrine was so implicitly followed by Lord Hale and Forster, as far as related to this part of the subject, that it was almost unnecessary to advert to their works, but as he wished to stand upon authority in every stage, he would refer to them. He then quoted from Lord Hale's P. C. page 107, stating that the overt-act must be laid down so far as to enable the imagining to be brought to trial by human judges. As long as the English Constitution preserved to a Jury the legal cognizance of facts, we had the best security for the preservation of the subject. There was a misconception in this particular, that innumerable controversies on the Trial of Libels, and which were at last happily quieted by the late Act of Parliament. But in the case of a libel it must be allowed there was some plausibility in the judicial usurpation, whereas applied to Treason there was none. In the case of Treason, the *purpose of the mind* was the crime charged; the overt-act was only alledged to be an act done in pursuance of that intention; which made it shocking alike to common sense and to conscience to say, that because the Jury gave credit to the overt-act as a matter of history, that they must therefore find the traitorous purpose. He then enumerated Lord Hale's instances, which had been held to be sufficient overt-acts of compassing. "When men conspire the death of the King, and thereupon provide weapons, &c. or send letters for the execution thereof this is an overt-act within the statute. If men conspire to imprison the King by force and a strong hand, until he has yielded to certain demands, and for that purpose gather company, or write letters, that is an overt-act to prove the compassing of the King's death, as it was held in Lord Cobham's case by all the judges." In this sentence Lord Hale did not depart from that precision which so eminently distinguished all his writings; he did not say that if men conspire to imprison the King, that was high treason;

no, nor even in overt-act of high treason; but to prevent the possibility of confounding the treason with matter which might be legally charged as relevant, he said, this is an overt-act to prove the compassing the King's death, and as if by this mode of expression he had not done enough to keep the ideas assunder, and from abundant regard for the rights and liberties of the subject, he immediately adds, "But then there must be an overt-act to prove that conspiracy, and then that overt-act to prove such design is an overt-act to prove the compassing of the death of the King." The language of the sentence laboured on the ear from the excessive caution of the writer; afraid that his reader should jump too fast to the conclusion, upon a subject of such awful moment, he pulls him back after he has read that a conspiracy to imprison the King is an overt-act, to prove the compassing his death, and says to him. "But recollect that there must be an overt-act to prove in the first place the conspiracy to imprison the King, and even then that proposition, that intention to imprison so manifested, by the overt-act, is but in its turn an overt-act to prove the compassing or intention to destroy the King." He says too, the intention must be forcible, and he proceeds to reprobate a constructive compulsion upon the King independently of actual restraint. Lord Hale goes on to distinguish, between constructive levylings of war against the King's Executive Authority from conspiracies to levy war upon his person; and declares that though it might be *prima facie* good upon an indictment when barely laid as a levying war against the King, yet it would fail when it appeared in evidence to be no more than a levying war by construction and interpretation. The mind of the prisoner, which it was the object of the trial to lay open, would be shut and concealed from the jury, whenever the death of the Sovereign was sought by circuitous means, instead of a direct and murderous machination. It was curious to compare Lord Coke's speech to the jury as Attorney General against Lord Essex, with the writings which he had left as monuments to posterity of the law upon this momentous subject. But it was los of time to consider the arguments of an Attorney General who could so dishonour insel and degrade his profession, as Lord Coke, to his eternal intamy, did in the case of Sir Walter Raleigh.

His Honourable and Learned Friend, the present Attorney General, would, by his candid proceeding in the opening of this cause, go down to posterity with a purer character, though he might not have written so many books as this great, base, and degraded man. It was fir, nevertheless, for the present argument to observe, that in the case of Lord Essex, Lord Coke expressly treated High Treason as a crime of intention. What was the rule with regard to penal statutes of every description? The rule notoriously

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was to adhere rigidly to the letter. Judge Forster says, it may be laid down as a general rule that indictments grounded on penal statutes, especially the most penal, must pursue the statute so as to bring the party precisely within it. It was needless to say that if the benignity of the law required this precision in the indictment, the proof must be correspondingly precise; for otherwise the subject would derive no benefit from the strictness of the indictment. If a defendant could be convicted by evidence amounting to a breach of the real or supposed spirit of the statute only, then the strictness of the indictment would be no protection of the prisoner, but would be a direct violation of the first principles of criminal and civil justice. He illustrated this by referring to many different cases. In Mary Michell's case, Judge Forster says, "Although a case is brought within the *reason* of a penal statute and within the mischief to be prevented, or if it does not come within the unequivocal letter, the benignity of the law *interferes*." He referred also to Gibbons's case, and those of John Howard and John Bell, for illustrations of the same doctrine.

Having maintained the argument by the letter of the statute itself, the authoritative writers, whose works were for ever referred to by the officers of the Crown in state prosecutions, the next stage in the argument was to examine whether these authorities had been acted upon. He meant to maintain that in every case which was considered as a precedent, the same construction had been put upon an overt-act, and that no overt acts had been regarded but such as went directly, and not constructively, as an attack on the person of the King. The first cases that deserved attention, after England had her present Constitution, were the trials on the assassination plot against King William.

The trials of Sir John Frend, Sir William Parkyns, and others, before Lord Chief Justice Holt; nothing in these trials went against the principles which he had been endeavouring to establish. The charges against Sir John Frend were unequivocal; the overt-acts relied on were, sending Mr. Charnock into France to King James, to desire him to persuade the French King to send forces over to Great Britain, to levy war and depose King William. The next overt-act was—preparing men to be levied, to form a corps to assist in the restoration of the Pretender, and the expulsion of King William, of which Sir John Frend was to be Colonel. In this case the proof was either to be wholly discredited, or it went directly home to a legal overt-act of the compassing

the death of the King upon the principles which he had laid down. It was not a speculative tendency to his death, but was a consequence so direct and immediate, that he who pursued the act, might be justly convicted of the intention, for if the plot had succeeded, and James had been restored, King William must have been necessarily attainted and executed by the forms of English law. Observing in the gestures of the Counsel for the Crown, their hesitation as to this proposition, he repeated the fact, and said, that indisputably the restored King might, and inevitably must have brought King William as an usurper before a tribunal like the present, either at the Old Bailey, or wherever else it should have been appointed. No man who engaged in that plot could be reasonably supposed not to have foreseen, and to have intended the King's death. Lord Holt's summing up did not go beyond this admitted principle. "The Treason," said he, "that is mentioned in the indictment, is conspiring, compassing and imagining the death of the King. To prove the conspiracy and design of the King's death, two principal overt-acts are insisted on." He did not consider the overt-act of conspiracy to be the Treason, but evidence to prove the compassing. He then sums up the evidence for and against the Prisoner, and leaves the intention to the Jury as matter of fact. Afterwards he comes to answer the Prisoner's objection in point of law. "There is another thing," said Lord Chief Justice Holt, "he did insist upon. The statute of Edward I. I. contains divers species of Treason: One is compassing and imagining the death of the King; another is the levying war: Now," says he, (Frend), "here is no war actually levied, and a bare conspiracy to levy war does not come within the law against Treasons." To pause here a little, said Mr. Erskine, Frend's argument was this:—Whatever my intention might be; whatever my object by levying war might have been; whatever my design; however the destruction of the King might have been effected by my conspiracy if it had gone on; and however it might have been my intention that it should, it is not Treason within the 25th of Edward III. To which Lord Holt's reply was:—"If there be only a conspiracy to levy war, it is not Treason; it is only a substantive Treason; it is not a Treason in the abstract; but if the design and conspiracy be either to kill the King, or to depose him or imprison him, or put any force or personal restraint upon him by force; and the way of effecting these purposes is, by levying a war, then the conspiracy and consultation to levy war for that purpose is High Treason, though no war be levied; for such consultation and conspiracy is an overt-act proving the compassing the death of the King." It Holt had meant to lay down that such a conspiracy to levy war in order to depose the King, without the further intention to kill him, it was in itself High Treason.—

Thus, as for example, if persons do assemble themselves to act with force in opposition to some law, and hope thereby to get it repealed, this is a levying war and treason, though the purposing and designing is not so—So when they endeavour in great numbers, with great force, to make reformation of their own heads without pursuing the methods of the law, that is a levying war, but the purpose and designing is not so ; so that the objection he makes is of no force. Here again we have a prophetic glance at the present trial : for the whole volume before the Jury went to no more than to accuse them of the design of making reformation of their own heads, and he concludes by again leaving the matter to the Jury. Lord Holt, therefore, in this Address to the Jury, did not say that if a man conspired to do an act which ~~act~~ might produce a given consequence, and which consequence, again building construction on construction, and consequence on consequence, might lead to the King's death—was an overt-act of compassing. But he put the conspiracy directly, with reference to the point before him, as an immediate and direct conspiracy to depose the King, and set up another. Compare this doctrine with the case before us. Let the Jury but turn their eyes to the mass on the table of the Court. He did not mean to accuse the law officers of the Crown, but let them reflect on the sort of circumstances that had been amassed and brought together in order to affect the Prisoner at the bar. Could any man, whatever had been his attention—whatever were his powers of discrimination, be desirous to develope the intention, gift and end of the heap before him. There was consequence add'd to consequence—there was speculation upon speculation—the Prisoner was to be led from this to that—the desire of enlightening his fellow citizens was to produce a desire of reform of certain grievances—the desire of reform was to lead them to Republicanism—this was to lead them to arming and violence—and in some future time, this was to produce a change in the frame of our Government, and this change was to affect the King's dignity, and finally this was to be taken as an overt act of compassing his death.—If it were not unkind to introduce any thing ludicrous upon so solemn an occasion, he should say that all this reminded him of the story in every child's gift book, of "Here was the bull, that tossed the dog, that worried the cat," and so on, till you get to the house that Jack built.—Good God ! in this land of security and justice, were the lives of men to be put upon such hazards ? Was it in England—was it in the year 1794, that such a trial was brought into a Court of Criminal Justice ?—He knew that he might stop even here, and leave the life of the prisoner confidently to the sense and conscience of the Jury, for he had marked their unwearied attention, their discriminating judgment, and he would so leave the case, if he were not anxious for the prisoner's honour, as well as his own. Let them try him by this doctrine of Lord Holt : He told the Jury

in answer to a legal objection from the prisoner, that a conspiracy to levy war was not treason, but that a conspiracy to levy it, for the purpose charged in the indictment, was an overt-act, and it certainly was relevant evidence to prove the intention ; for if the conspiracy was palpable and direct to dethrone King William, the design of King William's death was an inference not of law from the act, but of reason and fact. Frend might have said that the intention was to send King William back to Holland, to resume his station of Stadholder, but who would have believed him ? If the fact was proved that he intended to depose the King, and introduce King James, they must have found the compassing of his death as an inference. The other cases of Parkyns, Layer, &c. he did not enumerate, though they all served to confirm his doctrine ; but he had already so far exhausted himself, and had still so much to go through, that he must depart from his original intention of passing through all the cases *seriatim*.

He referred to the case of Lord George Gordon, and he should not be afraid of the Solicitor of the Treasury, if he were to act in this way. If he was to come to the House of Commons with ten thousand men, for the purpose of having a turnpike bill repealed, and they actually did nothing but appear there, that would not be Treason. He was now brought to that part of the speech of the Attorney General which referred to a more humble authority than any he had yet mentioned, he meant a part of his own speech on this trial just mentioned—that of Lord George Gordon. The Attorney General had stated Mr. Eskine's own proposition on that part of that trial, as if it was against the Prisoner at the Bar in the present case ; it should be remembered that Lord George Gordon was not indicted for compassing the death of the King, and Lord Mansfield said so on the trial, in which Mr. Justice Buller concurred, that the record on that trial, did not contain a charge against the defendant for compassing the death of the King.—Lord Mansfield told the Jury upon that trial :

“ The Prisoner at the Bar is indicted for that species of High Treason, which is called levying war against the King, and therefore it is necessary you should first be informed what is in law levying war against the King, so as to constitute the crime of High Treason within the Statute of Edward III. and perhaps according to the legal signification of the term before that Statute. There were two kinds of levying war : one against the person of the King, to imprison, to dethrone, or to kill him, or to make him change measures or remove counsellors : the other which is said to be *levied against the Majesty of the King*, or, in other words, against him in his regal capacity. In the present case, it does not rest upon an implication that they hoped by opposition to a law to get it repealed, but the prosecution proceeds upon the direct ground, that the object was by force and violence, to compel the legislature to repeal a law ; and

therefore without any doubt I tell you the joint opinion of us all, that, if this multitude assembled with intent, by acts of force and violence, to compel the legislature to repeal a law, it is High Treason."

Such were the words of the venerable earl of Mansfield on that trial. Now he would take the liberty, as the Attorney General had alluded to it, of quoting his own words upon the same trial. This was the sentence alluded to by the Attorney General:

" *To encompass or imagine the death of the King*, such imagination or purpose of the mind, visible only to its great author, being manifested by some open act; an institution obviously directed, not only to the security of his natural person, but to the stability of the government; the life of the Prince being so interwoven with the Constitution of the State, that an attempt to destroy the one, is justly held to be a rebellious conspiracy against the other."

This was true, the destruction of the King leads to the destruction of the State; but did the converse of this doctrine follow of course, as the Attorney General seemed to insist upon? That to compass or intend any alteration in the other branches of the Legislature was compassing the King's death. The charge of compassing or imagining the death of the King was the inference of reason from overt-acts; but did it ever enter into the mind of man, that the intention was matter of law? Certainly not, for it was a fact to be determined by a Jury, and by them only; it was the inference of their reason from the facts and not the inference of law.

What the fate of the Prisoner would be, Mr. Erskine said, he knew not; he was confident in leaving it to men of honour, diligence and attention, who would be guided by the evidence under the rule of the law, which governed this case of real evidence in the cause. What they had heard of in the proceeding of the Secret Committees of the two Houses of Parliament, under Number A. or Number B. or Appendix C. and as to the evidence that was offered, he hardly knew where he stood when he examined it in a court of justice: One man heard another say something, but he took no notes of it, though employed as a spy for the purpose: another took some notes, but did not hear all that was said; a third heard something, somewhere of arms, and so on, but nothing of all this in the Prisoner's hearing. He would maintain, without fear of contradiction, that if any excess had been committed, the Spies of Government had proved that they provoked it all. Did he really believe that the Prisoner was guilty, he would have taken a very different course; but believing him to be really innocent he would defend him to the utmost of his power.

The Societies and the Prisoner at the Bar, as a member of one of them, were charged with having formed a plan to subvert the

established Government of the Country, as the means of carrying into effect their traitorous purpose against the Life of the King. The charge was not, that they had conspired to assemble the Convention which met at Edinburgh, but that they had conspired to assemble another Convention which never did meet. All the extraordinary evidence they had heard, and the most extraordinary the greater part of it was ever heard in a Court of Justice, went to prove the intention with which this second Convention was to be held. Whether a Reform of Parliament was a measure likely to produce all the good that some expected from it, or all the mischief that others apprehended, the discussion was, in the case of his Client, neither necessary nor proper. It was sufficient to examine whether all that had been said, or written, or printed, in the proceedings of the Societies, on the necessity of Reform, for every article of whose conduct the Prisoner, in the idea of his Prosecutors, ought to be amenable, was said *bonâ fide*, with honest intention, and in the sincere belief of its being true, or resorted to as a mere stalking horse, behind which to prepare the shafts of treason, and take aim at the Life of the King. He was ready to confess that, if the same defects in the Representation of the People in Parliament had not been noticed in any former period, had never occurred to persons in much higher stations, and, as far as motives of self interest could attach men to any system, to persons who had a much more important stake in the Constitution of the Country, he might have been led to suspect that the intention of these Societies was not exactly what they professed. Happily, however, this was not the case. That the Representation of the people in Parliament was defective, that many and great abuses had crept into it, and that the health and longevity of the Constitution depended upon the correction of those abuses, was a doctrine supported by many and high authorities. On maintaining this doctrine, the great Lord Chatham built the fame and glory of his life, and bequeathed it to his son who raised upon it his own fame and fortune. If the Council for the prosecution had chosen to carry their evidence so far back, they would have found that the Society for Constitutional information, owed its birth to Mr. Pitt and the Duke of Richmond, whose plan of Parliamentary reform was Universal Suffrage and Annual Elections: and although he thought, with those whose political opinions he had been accustomed to consider with more respect, that this would not be an improvement, yet he could not imagine that they, who originally promulgated or strenuously supported it, had in contemplation the subversion of the Government, much less were compassing the death of the King. The Duke of Richmond was a man of great fortune, of the highest rank, and it was not to be imagined, that by contending for Universal Suffrage and Annual Election, he meant to subvert the Government and strip his self of his own honours.

The Duke of Richmond was not only a man of high rank, but well known to be a man of extensive reading and deep reflection. The plan he proposed, as the only adequate plan for the Reform of Parliament, was not the offspring of rashness or folly, but of information and reflection. The Duke of Richmond said what he (Mr. Erskine) should be ready on all occasions to say—and he cared not how many of such miserable spies as had been brought forward to give evidence on this trial, were present to take down his words, or, as was more commonly their practice, to report what they thought fit to understand by his words, without taking them down—that if the Representation of the People in Parliament was not reformed, if the abuses that had crept into it were not corrected, abuse accumulating upon abuse must inevitably lead to a Revolution. The Duke of Richmond published his plan in 1782. The plan was addressed to Colonel Sharman, and proposed appointing delegates by Assemblies of the People, no matter whether styled Constitutional or Corresponding, or any other Societies, to meet in a general Convention. The terms Delegates and Convention were, therefore, no new inventions, no imitations of a French model, but the natural growth of our own soil. When the Convention met at Edinburgh, although many imprudent speeches were made in it, speeches which he had no inclination, and which the defence of his Client certainly did not call upon him to justify, the declared intention of those who composed it, was to obtain what they, following high and unsuspected authorities, were taught to believe the unalienable Right of the People. A free and fair Representation in the Commons House of Parliament was the unalienable right of the People. He did not mean to state this as a right to be recognized in a Court of Justice, in opposition to positive Law, by which Courts of Justice could alone be guided, but as a right not of new imagination, sanctioned by the most unimpeachable authorities, and in prosecuting which by legal means no man incurred either guilt or censure. On this Right was founded the Right of his Majesty to the Throne, as he himself had maintained in Parliament, in opposition to the then newly adopted tenets of Mr. Burke—“ Of Mr. Burke,” said Mr. Erskine, “ I speak not to blame. He possesses a mind enriched with the greatest variety of knowledge, the finest imagination, the most powerful and fascinating eloquence, the most extensive acquaintance with the history of the British Constitution. He is now suffering under a domestic misfortune, which every man who sympathises in the feelings of another, must deplore. I allude not to his change of political opinion as a fault: that change, I think, is to be liberally interpreted. I speak not here to blame any man. I speak to recommend Charity among men, for the opinions of one another, to conciliate all hearts in favour of our common Country, and by a fair, clear, and unprejudiced application of the Laws

of that country, to induce all to pursue the common interest, unterrified by armed Associations on the one hand, or Courts of Justice on the other." The Counsel for the Prosecution must prove the intention charged in the indictment, and that satisfactorily—not by proof of surmise and conjecture. To illustrate this, he quoted the passage in Chief Justice Eyre's charge to the Grand Jury, "Whether this be a veil under which Treason is concealed, &c.—He had no doubt but that when this humane language was held, the Judge was unacquainted with the whole of the case; but it was sufficient to shew that on the surface of it, his Client, and those with whom it was implicated, were not traitors. He next quoted a passage from Holt, importing that forced or strained constructions are not to be put upon men's words or actions, but that the intention of them is to be tried and made out by clear and palpable evidence. Now, let the intention of the Prisoner and his associates be tried by this criterion. Were they the first to take up the doctrines now charged upon them as proofs of a treasonable purpose? The first Witness from Sheffield said, that he acted upon these doctrines as the Duke of Richmond had done, whom he never imagined to have any intention of subverting the Government, or compassing the death of the King. He did not mean to say that one man's having committed a crime with impunity, would justify another in committing a like offence; but that if one man had circulated particular opinions, without ever being accused or even suspected of evil intention, the circulation of the same opinions by other men was not to be held as evidence of evil intention. To whom did the Duke of Richmond transmit and recommend his plan? To Societies provided with half a dozen pikes? No, to Colonel Sharman, at the head of 10,000 men, armed and in military array: to men not commissioned by the King; to the Volunteers of Ireland, to whose exertions it was owing that his Majesty now enjoyed the Crown of Ireland. These men, so armed and arrayed, held a Convention, not secretly, but in the face of day. By the authority of the King? No. By the authority of the Lord Lieutenant? No. By the authority of circular Letters; and so far was this from being stigmatized as Treason, that their demands were complied with—wisely and properly complied with—for to grant the People their Rights was the surest way to harmonize their minds and attach their affections to the Government. Of all the Witnesses called on the part of the prosecution, was there a man, except the Spies, who said that their intention was any other than a Reform of Parliament by legal and Constitutional means? If the Spies were not to be believed, in contradiction to all the other Witnesses, the Court and the Jury were mis-spending their time: they might close the proceedings at once, and go home. All but the Spies said, that they would have renounced the Societies with indignation, if they had believed there was any in-

tention of deposing or killing the King. How could the poor Prisoner at the Bar hate the King, from whom it was impossible he could ever have received an injury? Was not the character of his Majesty such as to conciliate the love and affection of his subjects? Did he not confide so much in that affection as daily to ride abroad among them, without the parade of guards or attendants? Where, then, was the ground of this black suspicion, as unworthy of the King, as unmerited by his People? The minds of the men who composed those obnoxious Societies were irritated into intemperance by the representations of those who were now his Majesty's Ministers, of the abuses flowing from the decay of Representation and the consequent corruption of Parliament; and, if the Prisoner at the Bar should be hanged, while the Duke of Richmond was called to a seat in the Cabinet, he should say—

“ ——— Plate sin with gold,  
“ And the strong lance of justice hurtless breaks :  
“ Arm it in rags, a pigmy straw doth pierce it.”

He should say, that, with respect to the protection of known law, we were in as bad a state as the people of France, where there was now no law; but there too, he had no doubt the People would yet claim and obtain law, as the most valuable of their rights. In 1782, during the disastrous period of a War, pursued with as ill success as the principles upon which it was undertaken were bad; when increase of taxes and decline of commerce had generated discontent in every corner of the Country, and turned the minds of men to no mild scrutiny of the defects of Government, the Duke of Richmond's plan of Reform was published, and Conventions were held, which even arrogated the controul of the expenditure of public money; a function which had ever been understood to belong exclusively to Parliament. Here was a direct usurpation of the authority of Parliament which his Clients were charged only with intending.—“ Let us hear,’ said Mr. Erskine, Mr. Burke, “ on the nature and character of the House of Commons, not with regard to its legal form and power, but to its spirit, and to the purposes it is meant to answer in the Constitution. The House of Commons was supposed originally to be *no part of the standing Government of this country*; but was considered as a *controul* issuing immediately from the people, and speedily to be resolved into the mass from whence it arose. In this respect, it was in the higher part of Government what Juries are in the lower; the capacity of a Magistrate being transitory, and that of a Citizen permanent.—(Citizen! It would be as dangerous now to mention the word *Citizen*, as to mention the word *pikes*).—The latter capacity, it was hoped, would of course preponderate in all discussions, not only between the people, but the fleeting authority of the House of Commons itself. It was hoped, that being of a middle nature

between subject and government, they would feel with a more tender and nearer interest, every thing that concerned the people, than the other remoter and more permanent parts of the legislature. Whatever alteration time, and the necessary accommodation of business may have introduced, this character can never be sustained, unless the House of Commons shall be made to bear the stamp of the actual dispositions of the People at large. It would (among public misfortunes) be an evil more natural and tolerable, that the House of Commons should be infected with every epidemical phrenzy of the people, as this would indicate some consanguinity, some sympathy of nature with their constituents, than that they should in all cases be wholly untouched by the opinions and feelings of the people out of doors. *By this want of sympathy they would cease to be an House of Commons.*" Mr. Burke goes on to state that "The virtue, spirit, and essence of the House of Commons consists in its being the express image of the feelings of the nation. It was not instituted to be a controul upon the People, as of late it has been taught, by a doctrine of the most pernicious tendency, but as a controul for the People." Thus we see that the true intent of the House of Commons is, not to act as a controul upon the People; the King and the House of Lords are the constitutional controul and the Commons the voice and organ of the People. But how are they this organ, if they are not chosen by the people, which they now notoriously are not. To be convinced of this, it is only necessary to look at the Report of the Society of the Friends of the People, which they offered to substantiate by evidence at the Bar of the House of Commons, and which to this hour stands uncontroverted. Let us hear Mr. Burke on the House of Commons as it is now constituted. "An addressing House of Commons and a petitioning Nation; an House of Commons full of confidence, when the nation is plunged in despair; in the utmost harmony with Ministers, whom the People regard with the utmost abhorrence; who vote thanks, when the public opinion calls upon them for impeachments; who are eager to grant when the general voice demands account; who in all disputes between the People and Administration, presume against the People; who punish their disorders, but refuse even to inquire into the provocations to them; this is an unnatural, a monstrous state of things in this Constitution. Such an Assembly may be a great, wise, awful Senate; but is not to any popular purpose an House of Commons." This, he says, in his *Thoughts on the Cause of the Present Discontents*, coolly, soberly, and deliberately written during the American war; and the word *present* will as well apply to this time as to that. In another part of the same publication, he says—"It must always be the wish of an unconstitutional Statesman, that an House of Commons who are entirely dependent upon him, should have every right of the people entirely dependent upon their pleasure. For it was soon discovered that the forms of a free, and the ends of

an arbitrary Government, were things not altogether incompatible.—The power of the Crown, almost dead and rotten as Prerogative, has grown up anew, with much more strength and far less odium, under the name of Influence. An influence which operated without noise and violence; which converted the very antagonist into the instrument of power; which contained in itself a perpetual principle of growth and renovation; and which the distresses and the prosperity of the Country equally tended to augment, was an admiral substitute for a Prerogative, that being only the offspring of antiquated prejudices, had moulded in its original training, irresistible principles of decay and dissolution.—“Parliament was indeed the great object of all these polities, the end of which they aimed, as well as the instrument by which they were to operate. But before Parliament could be made subservient to a system, by which it was to be degraded from the dignity of a national council, into a mere member of the Court, it must be greatly changed from its original character.”—Remark that Mr. Burke here says, not the House of Commons, but Parliament. Who does this? Not a poor shoe-mak<sup>er</sup>, like the Prisoner at the bar, but a Member of the House of Commons, a man well versed both in political and philological distinctions; yet it is evident that he means the House of Commons, and therefore it is an abuse of words to say, that when, the word Parliament occurs in the proceedings of the Societies, any thing is meant by it but of the House of Commons. So far is the Prisoner from being conscious of evil intention, so far from imagining he is engaged in a conspiracy to subvert the Constitution, that he writes a letter to the most eminent and able defender of the Constitution, a Member of Parliament and a Privy Counsellor (Mr. Fox), desiring him to present the Petition of the Society to the House of Commons. The answer to that letter, although stating that Mr. Fox is an avowed enemy to Universal Suffrage, he preserves among his papers, and it has been read to you as evidence in support of the prosecution. He writes also to the Society of the Friends of the People, whose sole object he knows to be a Reform of the Representation in the Commons’ House of Parliament. They also return an answer, never once suspecting that the object of the Corresponding Society is any thing but a Reform of Parliament, although they disapprove of their mode of pursuing that object. Then come the Crown Lawyers, and say, we understand better what is meant by these letters than those who write them, or those to whom they are written: you say they mean only Parliamentary Reform: we, the interpreters of your most secret thoughts, tell you that they mean, subverting the whole frame of the Government, and destroying the King. Mr. Erskine again referred to a passage from Mr. Burke, importing, that Ministers had made a lodgment in Parliament; that by laying hold of Parliament itself they had the power of obtaining their object in all cases, and upon all

occasions. The proposition contained in this passage was unqualified ; it was not restricted to this or that occasion, but extended to all occasions ; it asserted that the controul of the people over the Executive Power was wholly and absolutely lost. Not so, said the Defendants ; they said nothing was lost but the controul of the People in the House of Commons. Would any man stand up and say he disbelieved this ? If he did, nobody would believe him. The Counsel for the prosecution contended, that to attack the Parliament was to attack the King, because the King was an essential part of Parliament. By no means.—Who, in talking of Parliament in common acceptation, was supposed to mean the King ? When these Societies attacked what they thought the abuses of Parliament, they meant what those who went before them had meant—the abuses in the representation, which might all be corrected without trenching in the least on the natural or political existence of the King. But, it was said, they talked of reforming Parliament by exciting the People.—Mr. Burke had said before them, that no remedy for the distemper of Parliament could be expected to be begun in Parliament : and that the People must be excited to meet in Counties and in Corporations, and make out, if they could, lists of those who voted, and on what side ; in short, that, to obtain any correction of the abuses in the House of Commons, the impulse must come from the People. After a petition for Reform, in 1780, had been rejected, the Duke of Richmond wrote in a manner much stronger than those who were now accused of conspiring to lay hold of the Parliament by violence—He wrote, that the less Reform had been tried and failed ; that not one proselyte had been gained ; that the weight of corruption was such as to bear down every thing ; that he had no hopes of Reform from the House of Commons ; that Reform must come from the People themselves ; and that they ought to meet more numerously than ever to claim their undeniiable rights, Universal Suffrage and Annual Elections. How were the People to assert these rights after Parliament had refused to grant them ? In this manner, the persons now under prosecution had done, and professed to do—not by rebellion, but by collecting and bringing before Parliament, the weight and influence of collective opinion. It was said that this war against the State had amounted to Rebellion—The assertion was unfounded—What was the State ? The State was the Body of the People, with their Sovereign at their head ; nothing was Rebellion that had not for its object the destruction or enslaving of the People and their Sovereign so connected, and he trusted he should never hear again that the People, all meeting, must mean to depose the King—that the King stood only supported by the few who called themselves the King's friends, and branded all others with the name of Democrats, or Jacobins, or whatever else was the nick-name of the day. It was clear from the beginning to the end that the Societies with

which the Prisoner was connected, spoke only of the Representation in the House of Commons ; and he would maintain as they did, that they had a right to do so ; and he knew that if the people were so met, they would be for the continuance of the Crown. It was their inheritance—what a dangerous principle it would be to lay down, that if the People were collected together, the necessary consequence must be the destruction of the King ? The King's protection stood on the love of the People collectively, not on the adherence of this or that of description of men, and to say otherwise was a libel both on King and People. He was sorry to hear any man called a traitor for talking of the Rights of Man. The Duke of Richmond had long since said that they were the foundation of all legitimate government. Because men professing, but abusing the same sentiments, had destroyed every thing in France, it ought not to be fastened upon the Prisoner, that he, professing to claim the Rights of Man, meant also to destroy every thing in England. Before going into the Duke of Richmond's definition of the Rights of Man, he would mention one more in his recollection, because it arose out of a discussion, in which it was his fortune to bear a part. In the debates upon the memorable India Bill, one of the most popular topics of declamation against it was, its being an attack upon the chartered Rights of Men. Mr. Burke took fire at the expression. He said he did not know what was meant by the chartered rights of Men. He feared there was something in this more than was indicated by the assestion of the phrase. For what end, but the end of the moment, was the word *chartered* introduced, for the Rights of Mankind were founded in nature, and needed no charter to give them sanction. Chartered Rights he had always understood to be matter of compact, and to be forfeited by breach of compact ; but the natural Rights of Man were sacred, and could neither be lawfully forfeited nor infringed. Let those who call themselves the champions of the authority of the Crown, take care that they do not pull down what they profess to support. Let them beware of weakening his Majesty's Rights, by the very means they adopted to confirm them. The ancient Kings of this country abused their government by cruel and infamous trials, by more cruel and infamous punishment, by packing Juries, by arbitrary imprisonments, by scandalous abuse of law, by depriving the People of arms ; thus not only their Government but their persons became odious ; they dreaded to assemble the People : and when King William issued his writs calling the people to meet, they did not meet ; but had they met, the general consent of the people would have Law given to his accession. He recognized their rights under a whic which all knew and all revered—the Bill of Rights—Rights uench they always had ; and here began the mischief in conse-  
q[ue]neces of which the Court was now sittting. The denial of that

proposition brought Mr. Paine into this country. But for this denial, Mr. Paine never would have been an author amongst us. Why came Mr. Paine here as an author? To answer Mr. Burke, who denied the King's right to the Throne, by denying the right of the People to alter the succession. The French had pulled down a system of corruption and tyranny, so enfeebled by its own inherent defects, that it was ready to fall of its own accord. Mr. Burke denied their right to do this. Mr. Paine wrote an answer, and as a Republican, threw in much stuff about Monarchy, which had nothing to do with the main question. The first part of the Rights of Man was applicable only to France. But a book called an Appeal from the New to the Old Whigs applied it to the Government of this country. Mr. Paine arrived, and notwithstanding his first intentions, this attack exasperated his spirit, and he wrote a second part to his Rights of Man, in which he vindicated the Rights of the People in this or any other country to change their Government. Mr. Erskine said he would vindicate, in the presence of as many spies as could be collected, the Right of the People to oppose Despotic power, and to change the form of their government, when that form was radically and essentially bad. He had opposed, and would always oppose, the Right of Despots to prevent any People from forming a Government for themselves, of the sweet or bitter fruits of which they themselves must eat. If the People of France were to say to the People of England, " You shall have a Republican form of Government," the People of England would say, " No ; we have already chosen our form of Government, a mixed form, a limited Monarchy, which we approve, and if we did not, we would receive a form of Government from no power on Earth but our own " The People of England have a right to change their Government if they please : they will not, if you use them well ; but it is to the denial of this principle, all the calamities of these trials are to be imputed. The Duke of Richmond's plan proceeded on the Rights of Man.—His Grace, however, had not the merit of being the inventor. He adopted the ideas of Mr. Lock ; and so did Mr. Yorke, in his speech delivered on the Castle Hill, Sheffield. Mr. Yorke indeed had hardly the merit of adopting, for he recited what Locke had written almost verbatim. Mr. Erskine read the Duke of Richmond's Letter to the Sheriff of Sussex, in 1780, in which he observed there was much good sense, although he could not agree to the whole. It concluded with asserting " that the People have rights, know they have rights, and will assert and obtain them." How obtain them ? by peaceable means, which was all that the Prisoner had attempted. If they libelled Government, if they resisted the Magistrate in the due execution of his duty, if they committed any legal offence, they were amenable to legal punishment. But when men were considering on Constitutional means of effecting a purpose, they could not be found guilty of the crime charged in the Indict-

ment. Let no worse motives be imputed to the Prisoner than to so many others who had pursued the same object, much less the highest of all crimes, the crime of Treason. Suppose these Societies, which they never did, had resolved to petition Parliament no more. Was there no way for the people to bring about a Reform in Parliament by peaceable means? The attorney General seemed to think that Parliament was a part of the permanent Government, forgetting that it died a Constitutional death at certain periods, and that there was no necessity for reviving it in the same form. A voter had a right to say, "I will vote for no Parliament that is disposed to resist my rights; I will vote for none who will not call us, the People, their Constituents; I will vote for none who reject our petitions; I will not arm a few individuals with power to collect taxes, to pass coercive laws, and to be used only against ourselves. Such are not the true House of Commons of Great Britain. I will oppose such an House of Commons, not by tumult and insurrection, but by concurring in the appointment of Delegates to consider how my rights may be supported." Such language the People of this country had a right to hold; and how were they to act upon it? They might give weight to their Petition by shewing that it had the sanction of the public opinion. To collect this opinion they might say, "We will not assemble in numbers, for that might give rise to tumult; but we will assemble in our respective neighbourhoods, and appoint Delegates with instructions to confer with other Delegates; and thus without danger or inconvenience, we shall collect the public sentiment, and carry it to that place where we know it will be treated with respect. In this way we shall obtain our imprescriptible Rights." This they must do because a Court of Justice could not give them their imprescriptible Rights, consistently with the administration of the law; but a Court of Justice could do that which it was called upon to do in this case; it would not on any presumption of evil intention punish any man for legal acts done in pursuit of these Rights. The Attorney General seemed to think that petitioning the King on the subject of Parliamentary Reform, was to ask him to do that which his coronation oath forbade him to do, and consequently could only mean to compel him by force. Mr. Erskine said, he did not understand what was meant by this. He never heard it argued that, but for the articles of Union with Scotland, the Kings might not alter the composition of the House of Commons, as far as depended on calling in new places and persons to elect, without the consent of the House of Commons. This was the opinion of Mr. Locke, a man inferior to none his country ever produced, except Sir Isaac Newton.

Mr. Erskine here quoted the opinion of Mr. Locke upon this subject, from his *Treatise on Government*, B. II. chap. xiii. sect. 157—158. This book was written in answer to the Jacobites, who denied the right of King William to the Throne,

and when Dr. Sacheverell attempted to refute the doctrines it contained, by resorting to the exploded doctrines of Divine Hereditary Right and Non-Resistance, he was impeached by the Commons, and found guilty by the Lords.

Mr. Erskine then proceeded to recapitulate the evidence, observing that he had been obliged to omit many and important topics of general defence, in order to apply his attention to disengaging the chaos which he had had no time to consider but by the indulgence given him by the Court and the Jury. The original Address of the Corresponding Society they would not have published, had they thought it criminal. They not only published it, but they sent it as a circular letter by post, addressed to various persons, and even a copy to the Secretary of State. On the tremendous evidence adduced in this trial, he observed that a Song found among Hardy's papers had been produced against him, without the shadow of proof that it had been written, published, or even approved by him. He had received it, as many things were received by men of all descriptions in this town, without knowing whence it came. It had been perhaps dropped down his area. If such evidence were held sufficient to affect a man's life, he (Mr. Erskine), who received and read papers of all sorts, had probably now in his house evidence sufficient to hang him and his whole family. The Address of the Society was founded on the Duke of Richmond's letter to Colonel Sharman, containing a plan, upon which men of high rank sat as Delegates in the city of London, with Aldermen of the city of London. A little time before the Convention met at Edinburgh, a Convention of Delegates from the Counties of Scotland met, of which the Chief Baron of his Majesty's Exchequer in Scotland was Chairman, and the Lord Advocate, the Dean of Faculty, and Sir Thomas Dundas, now Lord Dundas, sat as Members. An application had been previously made to Parliament, for a Reform in the mode of electing Members for the counties, and rejected. What did this meeting of Delegates according to their own advertisement? They met for the purpose of altering and amending the Law; they agreed upon certain heads, and resolved to send them, where? To Parliament?—No; but to the several Counties of Scotland to collect opinions and signatures. Was this meeting called treasonable? No; it would have been called scandalous to impute treasonable motives to any man who attended it. The object of the Corresponding Society on the first piece of evidence, *viz.* their own Address, was Reform of Parliament, by legal means. Would the Jury impute to his Client, against whom not a contumelious word respecting government had been proved, the shocking crime of Treason for supporting a measure, sanctioned by so many and so recent authorities? Let them read the lines prefixed to the Address of the Corresponding Society, and see

if they could find any thing in their subsequent proceedings to match them.

Unblest by virtue, government a league  
 Becomes, a circling Junto of the great  
 To rob by Law ; Religion mild, a yoke  
 To tame the stooping soul, a trick of State  
 To mask their Rapine, and to share the prey.  
 Without it ; what are Senates, but a face  
 Of consultation deep and reason free,  
 While the determin'd voice and heart are sold ?  
 What, boasted Freedom, but a sounding name ?  
 And what Election, but a market vile,  
 Of Slaves self-bartered—.

Yet these Verses were written by Thomson, under the roof of Lord Littleton, under the protection of the Prince of Wales, who perhaps thought that the Rights of the People were the surest guarantee of his own Rights —By a man who had studied and understood the British Constitution, who ~~venerabil~~ liberally but loved order—by a man whose works had been the delight of a nation, and to whose memory a monument was now erecting. If the objects of the Societies were treasonable, then every man who had been a Member of any one of them was guilty of Treason, and he held his life as tenant at will of the Attorney General. Of the Conventions either held or proposed, the Attorney General imputed the whole original sin to the London Corresponding Society. The contrary, however, was the fact. A Convention of Delegates from the Scot's counties had been held as above-mentioned at Edinburgh ; and the Societies in Scotland, on the usual principle of national vanity, resolved to imitate the example. They agreed on a Convention of their own, and invited the London Societies to send Delegates to it. Some of them sent Delegates, whose instructions were that they should concur in all Constitutional acts for a Reform in the Representation of the People. Every man was bound by the acts of his agent within the limits of his agency ; but if an agent sent to buy horses, should think fit to steal horses or commit Treason, his employer would be amenable neither for the Felony nor the Treason. By the same rule, no acts concurred in by those Delegates which were not within the letter of their instructions, could affect the Societies by which they were sent. Mr. Erskine arranged, and commented upon the whole of the evidence in a masterly manner, illustrating every objection he took to it by the most apposite and pointed remarks. He warned the Jury against giving their sanction to constructive Treasons, and repeated Dr. Johnston's remark on the acquittal of Lord George Gordon—“ I hate Lord George Gordon, but I am glad he is acquitted, because I love my country, and love myself.” He remarked with particular severity on the attempt to implicate Hardy in the

charge of providing arms, on no other evidence, than because a man at Sheffield had written a letter to him, offering to make pikes, and desiring him to forward another letter of the same tenour to Norwich, although it clearly appeared that Hardy had never read the letter addressed to himself to any body, nor forwarded the letter to Norwich ; and on the still more atrocious attempt to implicate him in the business of Watt at Edinburgh, from the mere circumstance of Watt's having written a letter on the subject to Hardy, with whom he had never corresponded before, and from whom he had received no answer to his letter. If such evidence were to be tolerated, the most innocent, the most meritorious man living might be stript of his fortune, reputation, and life by any ruffian who chose to address a treasonable letter to him, and get it conveyed into his house. If the witnesses for the Crown, not spies by profession, were worthy of credit, then the Prisoner was innocent—if they were not, then the testimony of the spies, admitted on all hands to be insufficient of itself, was left totally destitute of support. One or other side of the alternative must be taken. It was impossible to say that the witnesses for the Crown were to be believed where their testimony made against the Prisoner, and disbelieved where it made for him. If the testimony of the Spies could be supported by other Witnesses, whose evidence would not prove at the same time that the Prisoner never harboured the treasonable intention imputed to him, why were they not produced? For this reason only, that out of more than 40,000 members of the several Societies, not one could be found. On the character of Spies, having no eloquence of his own, he would avail himself of the eloquence of a writer who had much (Mr. Burke).

" A mercenary Informer knows no distinction. Under such a system, the obnoxious people are slaves, not only to the Government, but they live at the mercy of every individual; they are at once slaves of the whole community, and of every part of it ; and the worst and most unmerciful men are those on whose goodness they must depend.

" In this situation men not only shrink from the frowns of a stern Magistrate ; but are obliged to fly from their very species. The seeds of destruction are sown in civil intercourse and in social habitudes. The blood of wholesome kindred is infected — Their tables and beds are surrounded with snares. All the means given by providence to make life safe and comfortable, are perverted into instruments of terror and torment. This species of universal subserviency, that makes the very servant who waits behind your chair, and arbiter of your life and fortune, has such a tendency to degrade and abase mankind, and to deprive them of that assured and liberal state of mankind, which alone can make us what we ought to be, that I vow to God I would sooner bring myself to put a man to immediate death for opinions I disliked, and

so get rid of the man and his opinions at once, than to fret him with a feverish being, tainted with the jail-distemper of a contagious servitude, to keep him above ground, an animated mass of putrefaction, corrupted himself, and corrupting all about him."

My whole argument, therefore, says Mr. Erskine, asserts no more than this, That before the crime of compassing the King's death can be found *by you, the Jury*, whose province it is to judge of its existence—it must be believed *by you* to have existed in point of fact.

Before you can adjudge **A FACT**, you *must believe it*—Not suspect it, or imagine it, or fancy it—**BUT BELIEVE IT**—and it is impossible to impress the human mind with such a reasonable and certain belief, as is necessary to be impressed, before a christian man can adjudge his neighbour to the smallest penalty, much less to pains of death, without having such evidence as a reasonable mind will accept of, as the infallible test of truth. And what is that evidence?—Neither more nor less than that which the Constitution has established in the Courts for the general admission of justice, namely, that the evidence convinces the Jury beyond all reasonable doubt, that the criminal intention constituting the crime existed in the mind of the man upon trial, and was the main spring of his conduct. The Rules of Evidence, as they are settled by law, and adopted in its general administration, are not to be over-ruled, or tampered with. They are founded in the charities of religion—in the Philosophy of Nature—in the truths of history, and in the experience of common life. And whoever ventures rashly to depart from them, let him remember that it will be meted to him in the same measure, and both God and man will judge him accordingly.

Gentlemen, these are arguments addressed to your reasons and consciences, not to be shaken in upright minds by way of precedent, for no precedents can sanctify injustice;—If they could, every human right would long ago have been extinct upon the earth.

If the State Trials, in a bad hour, are to be searched for precedents, what murders may you not commit; what law of humanity may you not trample upon; what rule of justice may you not violate; and what maxim of wise policy may you not abrogate and confound?

If precedents in bad times are to be implicitly followed why should we have heard any evidence at all? you might have convicted without any evidence, for many have been so convicted in this manner, murdered even by Acts of Parliament.

If precedents, in bad times, are to be followed, why should the Lords and Commons have investigated these charges, &c. and the Crown have put them into this course of judicial trial, and even after an acquittal upon one, they might have attain-

ed all their prisoners by Act of Parliament?—They did so in the case of Lord Stratford.—There are precedents, therefore, for all such things;—But such precedents as could not for a moment survive the times of madness and distraction which gave them birth, and which, as soon as the spurs of the occasions were blunted, were repealed and execrated even by Parliaments; which, little as I may think of the present, are not to be compared with it.—Parliaments sitting in the darkness of former times,—in the Night of Freedom, before the principles of Government were developed, and before the Constitution became fixed.

The last of these proceedings as I before stated to you, and all the proceedings upon it, were ordered to be taken off the file and burnt, to the intent that the same might no longer be visible in after ages; an order, dictated no doubt by a pious tenderness for National honour, and meant as a charitable covering for the crimes of our fathers:—But it was a sin against posterity, it was a Treason against Society—for instead of commanding them to be burnt, they should rather have directed them to be blazoned in large letters upon the walls of our Courts of Justice, that like the characters decyphered by the Prophet of God to the Eastern tyrant, they might enlarge and blacken in your sights, to terrify you from acts of injustice.

In times when the whole habitable earth is in a state of fluctuation, when deserts are starting up into civilized Empires around you, and when men, no longer slaves to the prejudices of particular countries, much less to the abuses of particular governments, enlist themselves like the citizens of an enlightened world into whatever communities shall best protect their civil liberties, it never can be for the advantage of this country to prove that the strict unextended letter of our law is no certain security to its inhabitants. On the contrary, when so dangerous a lure is held out to immigration, it will be found to be the wisest policy of Great Britain to set up her happy Constitution, the strict letter of her guardian laws, and the proud condition of equal freedom, which her highest and lowest subjects ought equally to enjoy. It will be her wisest policy to set up these first of human blessings against those charms of change and novelty which the varying condition of the world is hourly holding out and which may deeply effect the population and prosperity of our country—In times when the subordination to authority is said to be every where but too little felt, it would be found to be the wisest policy of Great Britain to instil into the governed an almost superstitious reverence for the strict security of the laws, which from their equal administration, can seldom work injustice, and which from the reverence growing out of their mildness and antiquity, acquire a stability in the habits and

affections of men far beyond the force of civil obligation?—whereas severe penalties and arbitrary construction of laws intended for ease and protection, lay the foundations of alienation from Government, which, at all times is dangerous, but at this time is certain and sudden ruin.

Cultivate the old maxim of the Church, *sursum corda*; look to the hearts of all your subjects, and do not entertain so stupid an imagination as that in days like these, a country can be preserved by corrupting one half of the People to defame bully, and persecute the other. At a time when England may be put to great difficulties to support herself, even when the whole nation draws together with one heart and accord, is it wise at such a time to set up Lawyers to tell us that every man who sees and feels, and is determined to assist in removing the corruptions which are the parents of these calamities, are traitors to the Sovereign, and plotters of his death? Gentlemen, if this doctrine is established by your verdict, you do not leave your Sovereign, the King, one half his subject and although you may, in the ordinary course of things, keep the peace in England upon these principles, by armed associations and the terrors of legal tribunals, yet, if ever the independence of the Nation were assailed by foreign force, in one hour would desolation come upon you. Look to the fruit of these miserable factions and divisions in Brabant! If the late Emperor Joseph had given to his subjects fully and at once, the *Joyeuse Entrée*, their antient Constitution, derived from the good Duke of Burgundy, to obtain which, I remember the same movements as in this country for the reform of Parliament, they would—I know what I say—it is not what I have heard or read of—I have seen the process of the thing of which I am speaking—they would have risen in a mass to maintain their own liberties, and their Prince's throne, thus interwoven together, and the French, like the Giants of Antiquity (and they are indeed the Giants of modern times), when they attempted Heaven, would have been rolled and trampled in the mire of their ambition. But instead of this concession in due time, the Prussian army marched into Brabant, and all was peace,—but it was such a peace as there is in Vesuvius or *Aetna* before they vomit forth their lava, and roll their conflagrations over the devoted habitations of men! When the French approached, the fatal effects were seen of a Government of constraint and terror; the well affected were dis-spirited, and the irritated were inflamed into fury. At that moment the Archduchess fled from Brussels, and the duke of Saxe Teschen was sent to offer them the *Joyeuse Entrée*. But the season of concession was past away; and the Throne of Brabant has departed from the house of Austria—I fear, for ever! In the same way a far more important and splendid Throne departed from his Majesty's illustrious house. I will

not give you my own words ; I will again refer to the almost divine and immortal oration of Mr. Burke :—

“ For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British Constitution. My hold of the Colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of Liberty, the sacred temple consecrated to our common faith, whereever the chosen race and sons of England worship Freedom, they will turn their faces toward you. The more ardently they love liberty, the more perfect will be their obedience. Slavery they can have any where.—It is a weed that grows in every soil.—They may have it from Spain ; they may have it from Prussia ; but, until you become lost to all feeling of your true interest and your national dignity, Freedom they can have from none but you. It is the spirit of the English Constitution which pervades, feeds, unites, invigorates, vivifies every part of the Empire, even down to the minutest Member. Is it not the same virtue which does every thing for us here in England ? Do you imagine that it is the Land-tax Act which raises your Revenue ; that it is the annual vote in the Committee of Supply which gives you your army ? or that it is the Mutiny Bill which inspires it with bravery and discipline ? Not surely no ; It is the love of the People— it is their attachment to their Government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber—”

—Such was the language of that sublime writer, whose opinions, if they had been followed, would have done more than saved you America ; it would have saved you the afflictions, and admiration of mankind. Instead of this you were made to persevere in that horrible contest, to procure the means of extending that corruption at home, over those whom Mr. Tooke is represented to have called the Skip Jack Nobility, and in so doing you lost the Colonies for ever.

My wish and my recommendation is not to conjure up a spirit among us to destroy ourselves, by bringing on the tyranny of a French tribunal, where an accusation is enough to bring its object to the guillotine. If we keep to the old and venerable rules and laws of our forefathers ; and let a jury of the country do the duty they owe the public, to themselves, to posterity, and to God, to preserve in law the life of a man who only asks it of them on the terms they would, in their turn, ask their own. I shall now conclude with a fervant wish and a fond hope, that it may please God, who guides the world, moulds governments at his will, and who governs us all in

justice and in mercy ; from whose care and bounty has arisen the prosperity and glory of this happy Island, to enlighten and direct your minds ! To your care I now commit my client without fear, being confident that you will do him justice.

*Mr. Erskine* spoke very near six hours, and then signified his intention of calling witness in behalf of the prisoner ; but the Court perceiving the strength and spirits of the learned Gentleman much exhausted, they adjourned for one hour.

The first witness called in the defence of the prisoner, was *Lorimond Goddard*, who had frequently conversed with the prisoner on the subject of politics, but had never heard him make use of any expressions hostile to the Constitution of this country. He was present at the meetings at Chalk Farm, and in the Globe Tavern, and knew that Margarot and Gerald were appointed delegates to Scotland.

*Mr. Attorney General* repeated the chorus to a song sung at the societies, and asked if he did not know the song to which it belonged ;

*Plant, plant the tree,  
Fair Freedom's tree*

*'Midst blood and wounds and slaughter, &c.*

The witness answered in the negative ; adding, that the Attorney General seemed to know more of the song than he himself did.

This observation occasioning some laughter and noise in Court, the Lord President warmly expressed his disapprobation of such conduct, and directed the officers immediately to take into custody any person who should again be found offending against the solemn dignity of the Court.

The cross-examination being continued, it appeared that the witness had been in possession of several songs written by *Thelwall*, but he declared that he did not know any of their contents to be of a criminal nature, nor did he remember the titles even of the songs.

*Francis Dowling* had been a member of the London Corresponding Society, whose object was to obtain a Reform in Parliament by legal means. He knew *Mr. Hardy* to be a man of a peaceable, orderly, and pious disposition.

On his cross-examination he said, he had heard in the Society that a man was to be paid for sticking up bills in the night, but he was a stranger to any design of the members being provided with pikes.

*Alexander Will* was a member of the London Societies, and whenever he attended, the members conducted themselves with " respect, honour and delicacy towards the King." He did not believe the Societies to have had any design of opposing Government. He believed the prisoner to be a well-meaning and inoffensive man.

*William Sabine* spoke to same effect as the former witness for the prisoner.

The last witness being cross-examined by *Mr. Law*, he said he was in independent circumstances, his property sometimes laying in his pocket, sometimes in hand, and sometimes in the funds. After the question as to his profession had been repeatedly put to him, he said he was a perfumer, and about twelve years ago had followed the employment of a hair-dresser.

*Alexander Frazer* was a member of the Corresponding Society, whose object was a Reform in Parliament by constitutional means. He said *Hardy* was a man of unexceptionable good character.

*William Barklin*, a shoe-maker, had known the prisoner thirty years; he had been a servant to this witness for seven years, and had quitted his service about three years since. This witness, who had never been a member of any political Society, gave the prisoner an unexceptionable character.

*Mr. Oliver*, a Dissenting Minister, had known the prisoner three or four years, and had been told by him, that the object of the Society of which he was Secretary, was to obtain by proper and peaceable means, a Reform in Parliament, on the plan proposed by the Duke of Richmond and *Mr. Pitt* in 1782. He believed the prisoner to be a man who feared God and honoured the King. He was never a member of any political meeting.

*Daniel Stewart*, formerly Secretary to the Society of the Friends of the People, became acquainted with the prisoner in December 1792, and they very frequently conversed together. The differed in opinion on this one point only: *Hardy* thought the Duke of Richmond's plan of Reform the best, and that it would be adopted; but the witness thought otherwise. He did not believe the prisoner to have any view than to procure a Constitutional and Legal Reform. He gave the prisoner the character of a peaceable and orderly man, perfectly harmless in his manners.

*Peter M'Bean* had known the prisoner seven years, and had always found him to be of an amiable character both civil and religious. On his cross examination he said, he became a member of the Corresponding Society at its first institution, and had continued a member two years.

*John Boak* said the prisoner was a quiet, peaceable and strictly honest man. He, the witness, had been a member of the London Corresponding Society for two years.

*The Rev. Mr. Stevens*, a Dissenting Minister, had known the prisoner seven years; he regularly attended his congregation, and had attended before the witness became Minister. The prisoner was an orderly, quiet, and peaceable man, and he had ever found him a man of conscience to God and man.

# No. 7.

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*John Carr, John Stephenson, Alexander Greg, William Henderson, Alexander Gordon, and Matthew Dickey*, all of whom had known the prisoner several years, concurred in giving the prisoner an excellent character as a man of a peaceable, orderly, and good disposition.

*Mr. Gibbs* stated to the Court, that as the evidence with respect to character was nearly gone through, and his learned friend, *Mr. Erskine*, was much fatigued, he hoped the Court would indulge them by adjourning.

*The Lord President* said, it was much the wish of the Court to make all possible progress in the trial, and wished the whole of the evidence as to character might be gone through this night.

*Mr. Erskine* observed that if they proceeded further, they might go into evidence, the admissibility of which might occasion argument, in which, in his present exhausted state, he should not be able to take his share; and therefore he wished the indulgence of an adjournment.

*The Attorney General* having assented to *Mr. Erskine's* proposition, at one o'clock in the morning, the Court adjourned until eight on Monday morning.

A few minutes before the adjournment, loud and repeated acclamations were heard from without the Court, which were not silenced until the civil power interfered. The noise was occasioned by some persons having reported among the populace that the prisoner was acquitted.

*Monday, Nov. 3.—Sixth Day.*

The Court met at half past eight in morning, and proceeded on the evidence for the prisoner.

*Mr. Erskine* stated, that he meant to call a witness to prove, that a letter, which had been given in evidence on the part of the prosecution, written by one Davidson, who had resided at Sheffield, to the Secretary of the Norwich Patriotic Society, and enclosed in another which was sent to Hardy, was found in Hardy's possession, unopened, at the time he was taken into custody.

*Chief Justice Eyre* observed, that Hardy had no right to open the letter that was enclosed for the Secretary at Norwich; but what constituted the weight of the proof in favour of Hardy was, that he had not sent that letter to Norwich.

*David Martin* said, he was an engraver, and lived at Sheffield. He had resided there above twelve years, and carried

on trade. He had become a member of the Sheffield Society within three months of its commencement, and had continued to be a member till the time that Camage and others had been taken up by Government. He said, his object was to obtain a Reform in the Commons House of Parliament, by legal and constitutional means; and from all that he observed, and saw, in the course of his attendance on that Society, he had no reason to suppose their views were different from his. He had not the most distant idea that the Society meant to attack the Government by any armed force. He was a Member at the time they sent a Delegate to the Convention that assembled at Edinburgh. The object of the Sheffield Society, in sending their delegate was, in order to co-operate with the other delegates of the different societies, to produce the end already mentioned, namely, a Reform in Parliament. After the petition, signed by a few individuals, for a Parliamentary Reform, which had been presented by Mr. Grey, had been rejected, they thought the general sense of the people, as far as it could be collected, would make an impression on the House, and induce them in their justice to grant the prayer of the petition. If he had imagined that those gentlemen, delegated from different societies, had been to constitute a Convention at Edinburgh, for the purpose of devising the means by which the Parliament should be forced to grant a Parliamentary Reform, he should not have continued a Member of the Society. He did not think it was the intention of the Society to affect the King in his person, his state, rule, or government, in this kingdom. There was no intention to touch the House of Lords. He was at Castle-hill when Mr. Yorke made a speech there.

On his cross examination, he said, the persons who principally managed the business of the Society, were a Committee. He knew a person of the name of Gales. He said, he (the witness) was an associated member of the London Constitutional Society, in March, 1792. He knew the proceedings of the British Convention, which was held at Edinburgh, as they appeared in the Gazetteer. He did not altogether approve of the proceedings of the Convention, particularly that part relating to a Secret Committee. They had no Secret Committee at Sheffield. He did not hear that a resolution had been voted at Castle Hill, not to petition the House of Commons. There was a great number of people assembled there, and he stood at the outside of them, and did not hear it; but, if he had heard it, he might perhaps have approved of it. He knew Mr. Yorke. He believed he was not a Sheffield man, but he did not know what brought him to Sheffield. He had frequently heard him, both in public and in private, thought he could not say he was very intimate with him, or that he entertained exactly the same opinions

on Parliamentary Reform. He could not recollect the specific difference between him and Mr. Yorke. He said, he did not know who was the editor of the Patriot, though he had heard that it was Mr. Campbell Brown, their delegate to the Scottish Convention. He thought Mr. Brown was a peaceable, well-disposed man. Letters had occasionally passed between their Society and the Society of Stockport, and he believed they were associated for the same peaceable purposes with themselves. He knew that a motion was made on Castle Hill, to address the House of Commons; but he did not know it was made by contrivance, to be negative.

On re-examination, he said, that whatever Mr. Campbell might do, while he attended the British Convention at Edinburgh, the Society gave him no power to act but by legal and constitutional means. He for one would not have consented, to send him to Edinburgh, if he had conceived that he would have transgressed the bounds of the law. The proceedings at Castle-hill, and Mr. Yorke's speech were published, and the witness said he had read the speech after it was published.

William Oakes was next examined. He said, he was a plater, and lived at Sheffield, with his father, who was a baker. His evidence was exactly to the same effect with that given by the last witness:—that his object was a Parliamentary Reform by a petition to Parliament; and that their object only extended to a reformation of the House of Commons. He also added, that a few months back he heard of pikes and arms at Sheffield. The Society apprehended danger from the opposite party, by repeated threats, and by the ill usage which individuals had received from them. Individuals, and not the Magistrates, took upon themselves an authority which the Society thought they had no right to, and it was complained of in the Society, as a thing to which they had no right. He said he was sensible in whose presence he was speaking; and declared, upon his solemn oath, as he stood in the presence of God, he could solemnly affirm, that it was never thought of in the Society to arm as a body to attack Government. If such had been the object of the Society, he must have known it.

On his cross-examination, he said, he did not mean to insinuate that twelve members of their Society were not associated with the London Corresponding Society though he believed that they were not. He was present when Paine's Rights of Man were introduced into the Society, but that was before they were proved to be a libel. These books were circulated by the members of the Society, though he did not know that they were circulated in great numbers. They did

not mean to attack Government, and if Government attacked them, they would have submitted.

*Mr. D. Stuart*, Secretary to the Society entitled the Friends of the People, said, the date of the declaration of that Society, was April 11, 1792, and was published about the end of that month.

[*This declaration was read, and also the long list of names who had subscribed it.*]

On the 12th of May, the Society of Sheffield having observed the declaration of the Friends of the People, their Secretary (Mr. Samuel Ashton) wrote a letter to Mr. Stuart, stating, among other things, that their object was the very same with that of the friends of the People, namely, the obtaining a Reform in Parliament, so as to place the constitution on its true principle. On receiving that letter from Sheffield, the Society of the Friends of the People sent an answer to it, signed by Mr. Grey, dated the 24th of May, and addressed to Mr. Ashton, secretary to the Society for Constitutional Information at Sheffield, approving of their letter, and stating "that the object of all the proceedings of the Friends of the People was to put the constitution on its true principles, by a temperate reform, and in which they disavowed all desperate measures." He did not know Mr. Hardy was a member of the Constitutional Society. On the 26th of May, the Society at Sheffield wrote to the Constitutional Society, "that they had received a letter from the Friends of the People, whose principles were not according to the Rights of Man, and that they would not have any more correspondence with them but only in as far as the Society for Constitutional Information would permit." About twelve months ago, Mr. Stuart said, Mr. Ashton was in town, and called upon him. On the 1st of May, the Society of the Friends of the People expressed their reasons for having nothing to do with the Constitutional Society, and stated to them that they would have no more correspondence with them. Mr. Stuart could not say, whether Ashton corresponded with the Constitutional Society. About twelve of the respectable gentlemen, who had been members of the Society of the Friends of the People, might have quitted it. Lord Daer, the eldest son of the earl of Selkirk, was a member of the Friends of the People, and was chosen a delegate to the British Convention at Edinburgh; and yet the Friends of the People had never taken any notice of that circumstance; no motion had ever been made on that account, to banish him the Society.

*William Jusenap* said, he was a razor maker, at Sheffield, and was a member of the Society very nearly to the last. His object was the reformation of the Commons House of Parliament, and the means by which he expected to obtain that reform was, by petitioning the House of Commons; the idea

he formed of the business was on the plan of the Duke of Richmond. He had no reason to believe that the object of the Society was different from his own. As to arms, he had never heard of such a thing in his life, either to attack Government, or to resist it. The rest of this man's evidence was substantially the same with that of Martin, Oakes, &c. and therefore we shall not detail it.

*Edward Smith* said, he lived at Sheffield, and was a cutler. He was also a member of the Society. He never heard of arming till a hand-bill was circulated in the streets, recommending it to the people of Sheffield to arm themselves against those who were of different persuasions from themselves. The Society had no intention to arm themselves with pikes, or they might have procured ten thousand in one day.

*His Grace the Duke of RICHMOND* was here examined. *Mr. Erskine* handed up a printed paper to him, and asked if that was a copy of his letter to *L'eut. Col Sharman*, of the Irish Volunteers. His Grace, on looking at it, said, it was extremely difficult for him to say that that paper was precisely the letter he had written to *Col. Sharman*. He recollects there was a printed edition of that letter, which was mutilated, and therefore, whether the paper was that copy or not, his Grace could not take upon him to say.

That paper, which had been circulated about Sheffield, was compared with a genuine edition of the letter, and, except in a very few words, was exactly the same.

After the Duke of Richmond's letter was read, *Mr. Erskine* offered a piece of evidence on the part of the prisoner, which was opposed by *Mr. Attorney General*. *Mr. Erskine* wished to produce witnesses to prove what they had heard the prisoner at the bar declare in conversation, with respect to a Reform of Parliament, and what his sentiments were with regard to a Convention of the People, &c. After a very learned argument, *Mr. Erskine* and *Mr. Gibbs* on the one hand, and the *Attorney General* and *Solicitor General* on the other.

*Chief Justice Eyre* said, the Court went a certain way with *Mr. Erskine*. Nothing was so clear as that all declarations that applied to the facts of the case, were evidence against the prisoner, though not evidence for him. It was presumed that no man would declare any thing against himself that was not true—That was the general rule; but if the question here was as his Lordship thought it was, what were the political speculative opinions which the prisoner at the bar entertained touching a Reform of Parliament; His Lordsh'p was of opinion that that might very well be learned and discovered by the conversations which he had held at any time,

or any place. If his declarations were meant to apply to a disavowal of the particular charge made against him, as for instance, if he had said to some friend, when there was a plan for holding a Convention, that it did not mean to affect the King and the Government, such a declaration could not be given in evidence in favour of the prisoner though it would be evidence against him, because it was supposed he would not have made such a declaration unless it was true.

Mr. Stuart was again examined, and said, that in all his conversations with Mr. Hardy on the subject of a Parliamentary Reform, he always adhered to the Duke of Richmond's plan, and stated that to be the whole object of the Society. He was the more particular in attending to his opinion on that subject, because he differed from him. As to the prisoner's character for sincerity and truth, Mr. Stuart believed him to be a very sincere, and a very honest man.

Mr. Stuart was then examined as to what he heard from Hardy respecting his intention and opinion of the Convention proposed to be called. He said, he had reason to believe, that he meant only to procure Parliamentary Reform by peaceable means.

Andrew Ferguson was called, and asked whether the book produced was an account of the minutes of the Scottish Convention ?

The Court thought it was inadmissible evidence, and was of course rejected.

Joseph Shelton said, he lived at Derby, was a Member of the Derby Society. Their object was a Reform in the Commons House of Parliament. They had no design against the other Branches of the Legislature, for when their petition was rejected, they never met afterwards.

Mr. Erskine said, he wished to take the opinion of the Court upon the admissibility of another piece of evidence. He wished to produce the resolutions of the Reform Societies, in 1780. His purpose for so doing was this. It was shewing that the persons of the present day were following the example of great and illustrious men in their own country, and not imitating the conduct of men of another country.

The Court was of opinion, it was no way connected with the present cause, and therefore not admissible.

Mr. Sheridan was then examined, he said, he had seen the prisoner in March, 1793. He sent to him respecting a motion he intended to make in the House of Commons. He had given notice, " That he would move for a Committee to enquire into the practices of these Societies; and the prisoner, at his request, offered him the free use of all the papers in his possession.

The attorney General asked, whether he had shewn, or offered to shew him any journal of the proceedings of the Society ?

Mr. *Sheridan* replied, he did not mention a journal, in particular, but generally all the papers in his possession.

Mr. *Francis* was next examined. He had seen Hardy; he came with a Committee of the Society to his house, with a Petition which they desired him to present to the House of Commons. He read the petition, and thought the prayer of it was improper. It required Universal Suffrage and Annual Parliaments. He told them he would present it, but stated his objection to the prayer of it. Hardy seemed a remarkably quiet and steady man.

Here the evidence on behalf of the prisoner closed.

Mr. *Gibbs* then rose, and spoke a few words indistinctly. He appeared considerably agitated; and after a few moments sunk down. In a short time he was so far recovered, as to be able to address the Jury. He said, he need not say to them, he was overpowered with anxiety. He was pressed down with the weight of this great cause; a cause to which no human powers were equal. Even the infinite abilities of his Learned Friend had sunk under its pressure—[Here he burst into tears]. He felt himself how unequal he was to the task but all he could do he would do, in discharge of his duty towards his client. He did not wish to spare himself; he did not wish to secure his health; but that mass of evidence brought forward, rendered it impossible for any Advocate fully to discharge his duty. All the labour he had used had not enabled him to comprehend the enormous mass introduced in this cause. The annals of this country, he believed—the annals of the world, could not shew a trial parallel to this. He would desire the Jury to recollect, that in the outset of this cause, the Attorney General could not state his evidence with the necessary comments, in less than nine hours. To suppose that it might have been compressed into less compass, was to suppose that the time of the Court had been unnecessarily wasted. This never could be the case; and therefore the conclusion was, that the thing itself required all that had been said upon it.

There were two things he would press upon their recollection: 1st, the law; and 2d, the indictment. The law was founded upon a statute, and the indictment contained a statement of the facts. The fact first stated, was the compassing the death of the King, and to the effecting of this purpose were stated other acts, 1st, the calling a Convention, or the procuring a Convention to be called, and a conspiracy to levy war, thereby occasioning a rebellion, for the purpose of de-throning his Majesty. The indictment was founded upon the statute of the 25<sup>th</sup> of Edward III. and must be strictly according to the law as there laid down. For although in common the practice should be received as evidence of what the law was, yet in this case it must be strictly conformable to the

statute. It was there declared what things should be Treason; and by an express clause it never should be extended beyond the letter. The compassing and imagining of the death of our Lord the King, &c. should be Treason. He would now read to them the opinion of that most learned and able lawyer, Lord Coke, in exposition of this Statute; He said, that in this case there ought to be direct and positive proof; that it ought to be manifest, and not drawn by inferences, but proved by reputable witnesses; and that the intention should be clearly and manifestly shewn. He would also shew them the opinion of other great lawyers, the one in judgment upon a case of Treason, and another acting under it. In the case of Lord Russel, where he was indicted for Treason in compassing the King's death, it was proved in evidence, that he had planned to disarm the King's guards. Lord Chief Justice Pemberton, in summing up, told the Jury, that they would consider whether there existed any design in the prisoner to compass the King's death. He did not state the design of seizing the King's guards to amount to the crime of compassing the death of him, but left it to the Jury to consider, whether they would not draw the inference:—The fact was, they did conceive that it was evidence of his intention, and so found him guilty. It was remarkable, in this case, that the Chief Justice told them, they had no evidence such as they had in the morning (in the morning of the same day the Rye House conspirators were tried), where the fact to be done proved the intention. But they would judge of it from what appeared in evidence. This was the proceeding in the case of Lord Russel, and no one supposed that he had been treated with lenity.

He had stated the law, and would now turn to the charge. The charge was, that the prisoner had conspired to procure a Convention; or had agreed, and been party to consultations for procuring a Convention, the purpose of which was, to be the destruction of the King, and the subversion of government. In bringing forward this charge, the counsel for the Crown had bound themselves to one of these two things—either to prove all Conventions were in their nature unlawful, or that this particular Convention were to associate for the purpose of compassing the King's deposition.

In answer to the first, he would merely observe, that we had heard of many Conventions in this country, and never were they supposed to be illegal or unconstitutional. In fact, they had undertaken, to prove, that, although Parliamentary Reform was the ostensible object of the Societies, yet, in fact, their real and concealed purposes had a much wider extent. They (on behalf of the prisoner) contrary to that, meant to insist, that Parliamentary Reform was the real as well as the avowed object of the Societies. They thought that corrup-

tion had proceeded such lengths as to cause many great and pressing evils ; among which they ranked the long duration of, and unequal representation of the people. In Parliament ; and after their petition had been, he might say, contumeliously rejected, they began to devise some other means. They supposed, if they could gain the united voice of the people upon this subject, that Parliament would then grant what they had refused to their separate and individual application. This is the language of their resolutious imports.

The way which this Treason was attempted to be proved was, by the existence of a general plot of all the Societies, and in which the prisoner was implicated. This did not go in the least to affect him particularly. In evidence of this general conspiracy, was brought forward that immense mass of papers which had already been displayed. It was impossible to comprehend the whole of this evidence, therefore he could not particularly go through it. He admitted, many of the resolutions were in a language indecent and improper. No man could stand up and defend them, but they did not amount to overt-acts of High Treason. He defied the gentlemen on the other side to prove them to be evidence against Hardy, of compassing and imagining the death of the King. He again admitted they were indecent, but that was not High Treason ; and if the papers were to be taken, take the whole of them, and they would be found to contain strong sentiments in favour of Annual Parliaments and Universal Suffrage. If they erred in their opinions of the utility of these points, it was the error of much wiser men than themselves. Another objection brought against these men was, the use of French terms. This objection he thought of no importance, and he dared say the gentlemen of the jury would throw it entirely from off their minds.

But the approbation given to the French Revolution was strongly argued to be a convincing proof of the intentions of these men. Most unquestionably, Mr. Hardy had rejoiced at the French Revolution, most men, in its commencement, had rejoiced. It was natural to us, as freemen and Britons, to rejoice at a nation emerging from slavery, and regaining the rights due to them by nature. The approbation was general, but it did not follow that a man, who approved the general principle of the revolution, approved of every particular act since done, or that he wished to introduce into this country every thing which had been done there. The situation of the countries were by no means similar. The King was there accused of having violated the Constitution he had consented to accept. We had no overbearing nobility here, who plundered and oppressed the country. Here the King was loved and admired for his virtues and respect to the Constitution. The hereditary nobility were viewed with re-

verence and respect. It could not be presumed those things were necessary here, where there did not exist the least parallel circumstances. But, say they, an union with the French Nation was desired; and for what purpose did the resolution express a wish for that union? It was to prevent the destructive calamities of war; and could the calamities of war be avoided, certainly it were a thing much to be wished.

The next argument was drawn from the resolution for inserting the speeches of *Roland* and *Barrere*. But did that constitute High Treason? His Client might even approve of the conduct of Roland and Barrere, under the circumstances which pressed upon them; but it did not in the least apply to this country, where circumstances were so widely different. It would be monstrous, upon this sort of evidence, to accuse the prisoner with a design against the life of his Sovereign.

But, said the gentlemen on the other side, they must have meant force, because they resolved to petition Parliament no more. He conceived, in the very nature of the case, such a resolution must precede the calling a Convention; because they had hitherto found their endeavours fruitless, they sought means to raise the voice of the public still louder, hoping that, when it should be found to be the universal wish of the people, that their request would meet with compliance. He would call the recollection of the Jury to the protest signed by that great constitutional lawyer, Lord Camden, with thirty two other Peers, in which the right of associating for redress is most distinctly stated, and those associations held to be perfectly legal. Another ground of accusation was, the proceeding of the Scotch Convention; and the chief force of their argument was direct against Art 7. which expresses their resolution to oppose any law which they conceived repugnant to the first principles of the Constitution. This, though he admitted it to be improper, yet it was not High Treason, and he had the express authority of Lord Holt, as delivered in the case of Sir John Friend. He lays it down as express law, that a conspiracy to obtain the repeal of any particular law is not High Treason, *a fortiori*; therefore—a conspiracy to prevent the passing of any particular law, cannot be Treason—Much less can it be evidence against the prisoner of compassing the King's death.

Something was due to the weakness of human nature, for the strong language of their resolves. They were told, from high authority, that the punishment of their delegates was unjust and illegal. It was not wonderful, therefore, with their minds heated as they were, that they did not always use that language which was fitting and becoming. We had also been told, that the act of the delegates themselves amounted to high treason; but this, he thought, could not be warranted.

in law. For he was sure, if they had been guilty, the judge who tried them for misdemeanors, would have been bound to have directed an acquittal of that part of the charge, and had them again indicted for Treason. It was the law, that when, upon that a lesser offence, a greater was proved, that the person should be acquitted, and tried upon that charge which the evidence substantiated. If therefore, it was not Treason in the principals themselves, how could it be Treason in the man who was at a distance, and had no connection in that immediate part.

Thus far he had gone over the general topics ; he would now notice the parole evidence, and examine how far it substantiated the particular facts charged against the prisoner.

Mr. Gibbs accordingly here went through an investigation of the evidence relating to guns, pikes, &c. but as Mr. Erskine has already gone fully into this part, we forbear being very minute. Relative to arms, he remarked, that on the evidence called by the Crown, it appeared that the pikes were originally prepared at Sheffield, and by the concurrence of all, for self-defence ; as they had good and reasonable grounds of presumption that they would be attacked. Their opponents in politics had proceeded to violent lengths, even so far as to fire into their houses. Under these circumstances he justified the preparation of arms, and asserted the legality of their conduct, but it did not appear that there was any connection between them and Hardy, the only proof being a letter found in his custody ; but which it does not appear he ever answered. He went briefly into the evidence respecting guns and knives. Franklow's association he insisted was public, and that no inference could be drawn that those arms were designed to act against the government—sixty guns, three dozen pikes, and less than half a dozen French knives were the arms prepared to resist all the force of Government.

He commented also upon the evidence of Groves. He insisted that the information of spies was to be received with the utmost caution. They were men who became important according to the magnitude of their evidence, and were consequently interested to magnify every thing under their observation. He adverted also to the circumstance of Watt, and insisted that if those men who sat at the same meeting were not considered as guilty, how was it possible to affix any to Hardy, with whom it was not in evidence there was the least trace of a correspondence ? The whole of these circumstances he considered as inadequate to the purpose of affixing any criminality of intention upon the prisoner, and he was sure the jury would keep their eye fixed upon the crime charged ; and unless they found that, they would not find the prisoner guilty. If the acts of the Convention were Treason, Government held out a snare to others, by not prosecuting

them as such. It induced these men to commit those acts which they could not possibly conceive to come within the description of Treason.

Mr. Gibbs said, his wish was to prove to the Court, and to impress the minds of the Jury that in the case of the prisoner nothing was to be left to presumption, nothing to conjecture. All the evidence against the prisoner was complete. All that exists about arms, all that existed in the Convention is fully known. The spies of Government were active in every action, and present in every place. All that the Jury could possibly know is made known to them by the evidence for the prosecution. Whatever degree of criminality is in the case, has been long since published in the face of day. He did not mean to say that publishing those acts, if illegal, had made them less illegal, but he meant to make this use of their publication, that they came from men who were not afraid of what they had done, and that they were done by those men *bona fide* as their acts and designs. If they were thought illegal, they were ready to submit them to a court of justice, and abide by a legal decision on them.

It therefore may evidently be discovered, that their object was a Parliamentary Reform in the Commons. This point is fixed by the oath of all the witnesses, both those of the Crown and those of the prisoner. All concur in that; and that the Convention was called for that purpose alone; not to effect their object by force, but to collect the voice of the people, and thence to carry up that voice to Parliament. That this was the real object of the prisoner, he would prove from records, the most clear and undisputable. From the evidence of Mr. Sheridan, and Mr. Francis, it would appear, that this object was bounded within the limits of a Reform, and this and this only was the real object. As a proof of this, Mr. Gibbs said, that at the time when the Parliament was assembled together, and the Militia called out in an extraordinary manner, it was asserted as a reason that the general apprehensions from evil and disorderly persons was the cause. An enquiry was then challenged, and the prisoner at the bar made a tender into the hands of Mr. Sheridan of all such papers, plans of reform, and the correspondence thereon. That he complained of the treatment which he (the prisoner) and those of his Society had met with in the public houses where they peaceably met, and from whence they were driven out by the publicans, who said, that if they received them in their houses, they would be deprived of their licenses, and on this account the prisoner wished for an investigation. This seemed in his mind a *boni fide* confirmation of the openness and consistency of their avowed intentions, and not a pretext or veil to cover Treason and Sedition. By Mr. Francis's evidence, it appeared, that the prisoner had conversed with him on the subject of Reform, and wished

a motion in the Commons, introduce the plan of Universal Suffrage and annual Parliaments. Mr. Francis paid due attention to the prisoner, from his conduct and decent deportment, and remarked on his steady and reasonable disposition. The principles of this Reform were exactly those of the Duke of Richmond, and to some objection which Mr. Francis posed to the form of the proceedings, the prisoner said, he left the forms to the wisdom of Parliament, but still strongly adhered to the plan of Universal Suffrage and annual Parliaments. This, which was said to be the pretext was, to his mind, the fullest proof that the prisoner was under the strongest conviction of his favourite scheme of reform. And what is this scheme of reform?—It is that originally laid down by the Duke of Richmond, and that with which the prisoner was passionately possessed. The ideas of the prisoner were, that the House of Commons was corrupt, and that this corruption was confirmed by long duration. That the remedy for this corruption was the Duke of Richmond's corrective. This was the only remedy that could purge and restore it to its soundness and integrity. The House of Commons, he was led to think, would never receive with satisfaction, a petition that went to this object. The majority of the people, he thought, were of his opinion, and that therefore a Convention should be called, to collect the sense of the people. And this was the only remedy which would be effectual and permanent—Universal Suffrage and annual elections. The counsel here laid down the principles of his Grace, which he compared with those of the prisoner, and said they were same.—The Duke had said, that it was from the great body of the people he expected this reform. The counsel then hoped, that from their good sense and humanity, they would consider the case of the prisoner, whom he considered as the discipline of a nobleman elevated in rank, in genius, and ability, and whose enlightened mind could not lead him into error and into guilt. The prisoner was a man of humble condition, of an illiterate mind, and guided by his own feelings in what he conceived to be right; he hoped, he was assured, that the Jury would be inclined to find some little excuse for any mistakes, for little illegal proceeding through incaution, or through ignorance of forms.

Mr. Gibbs here referred to a protest which had been entered at the close of the American war. It was when the country was exhausted of its strength, and overburthened with taxes, that Lord Shelburne (Marquis Lansdowne) moved, that a Committee should be appointed to enquire into the state of the public finances. This motion was negatived, and a protest solemnity entered on the Journals, signed by the great Lord Camden, the Duke of Portland, &c. and ever true to this old principles the Duke of Richmond. Here the counsel

read the protest, which strongly insisted upon the great weight the voice of the people should carry with it. This opinion having the sanction of the greatest legal and constitutional characters that this country possessed, would now, he hoped, be received as just and lawful. You cannot then, Gentlemen of the Jury, attach guilt to this man for calling a Convention to collect the sense of the people; for no other design can be proved. The Counsel then proceeded, with great legal accuracy, into every situation to which the prisoner had been brought, asserting, that in no one stage of the proceedings, any instance of criminality arose by design, or by overt-act, that could lead the Jury to give a verdict against his innocence. The question now to be determined was, whether the prisoner did intend that in his mind, which was imputed to him; and if, from a fair interpretation of the statute of Edward III. it could not be proved, he therefore was not criminal. He was seldom without a spy at his elbow; and though this was his hard condition, yet no one expression of disloyalty, or disrespect, had escaped, as proved, from his lips. He was a man of peaceable and regular conduct: full evidence of this had given by all parties; and on those considerations the Jury could not be led for a moment to suppose that his views ever were, or could be, to attack the Government through the convention.

*The Lord President* here called on the Prisoner for his defence.

The *Prisoner* rising, informed the Court, that he had nothing to offer in addition to what had been said for him, and was satisfied with what his counsel had done.

The Court here adjourned. On their return, *The Solicitor General* rose, and addressing himself to the Jury, pointed out the great advantages that resulted in every judicial proceeding by engaging the attention and decision of just and dispassionate men. He was assured they would not suffer their minds to be perverted or drawn aside from the justice of the case which was before them, but that they would give their verdict in truth; and that it would be founded upon the truth of those charges, which, notwithstanding the very able and eloquent defence, which the prisoner's Counsel had made, still stood on the solid basis of fact.

*The Solicitor General* then accurately reviewed the evidence which had been brought in defence of the prisoner, and, dwelling on the wavering inconsistency of the conduct and behaviour of those who had sworn in behalf of the prisoner, insisted that little dependence could be reposed in their evidence. The *Attorney General* did not mean, he said, to charge the body of the people at large in those Societies, with the guilt of the prisoner—he meant to charge it on the

few, who led, and blindly led on those whose easy credulity had made them the dupes of crafty and designing men. The few had hid themselves and their designs in the darkness of a Secret Committee, who managed within themselves the whole plan of treason and sedition, and invested themselves with a power of chusing successors at any time that they were dissolved or dispersed. Within this dark cabinet of foul treachery, every plan had been concerted that tended to injure or subvert the Goverement and Laws of the country; and so apprehensive and jealous were they of their proceedings, that they dare not trust them to the light of inspection of the day. The evidence on the Sheffield letter would be attended to by the Jury, whose unbiased mind would lead them to a just and impartial determination, and he would but observe upon the fraud and secrecy which had attended this letter through every investigation which had been made upon it. He would also observe the pretext made to get into arms, first, for self-defence, then when armed, to act agreeable to their plans, both offensively and defensively. The pretext was self-defense. They spread an alarm that the Aristocratic party were up against them; they had learned from their orators, that by the Bill of Rights, they could arm to guard against violence; the rumour was spread that the Church party were their avowed antagonists, and this served their specious pretences. He had no doubt, and the Jury would be convinced, that it was practical for a numerous force to be soon in arms, as 10,000 pikes could be forged in one day; and then a scene, such as Paris has already presented, would be exhibited to the eye, and would shock and degrade humanity. The whole, he said, was a train of subtilty, art, and system. A system which led to the destruction of the Government, and to the consequent danger of the King. The Solicitor General then observed upon the various views of the different person who were examined in behalf of the defence, one witness had declared his expectations of Reform to be such as happened in 1688. The Solicitor General said he absolved the Society from the guilt which was charged upon the prisoner, because the criminality devolved entirely upon those who composed the Committee. The prisoner cannot be then absolved, as it was manifest that he was in the very center of their proceedings as a Member of this Committee; a Committee composed with all the subtilty and power of a Venetian Junto, with power of naming their successors. If its intention was good, why not openly avowed? Speculative opinions in every free State are indulged, and indulged to every degree short of injury to the State which protects them; when injurious, they become punishable; and so sensible were the first Assemblies of France of this opinion, that one of the best decrees that they left to their

to their successors was, the keeping a watchful and jealous eye over those Clubs and Corporations. They form Governments within Governments, and produce, in the end, anarchy and ruin.

The Solicitor General took a full view of the evidence, and the purposes of the Convention: he marked the mystery of the correspondence of the prisoner with the other conspirators; and said that this carried with it a strong degree of the presumption of the guilt of the prisoner. He said that the proceedings in every point of view had borne on the prisoner, and having once proved the criminal intentions of the Convention, the guilt of the prisoner would be apparent. In order to prove this substantially, it was necessary for the Jury to attend to the fair and accurate interpretation of the Statute of Edward III. He then entered into the statute with the ablest legal accuracy, examined its different clauses, and pointed out, with precision, those which comprehended the particular case of the prisoner; in which he went to a very great extent of able reasoning and ingenious argument.

*The Solicitor General* next went into the principles of Convention founded upon the Rights of Man, and insisted upon its being incompatible with all Government. He afterwards commented largely upon the Address presented to the National Assembly, and was going to an examination of the President's reply, when he was interrupted by the Court.

*The Chief Justice* observed, the strength of no man could last longer; and told the *Solicitor General*, he must continue to-morrow morning.—The Court then adjourned at half past twelve.

*Seventh Day, Tuesday Nov. 4.*

At nine o'clock, Mr. *Solicitor General* resumed his argument where he had stopt the night before.—He had brought to the recollection of the Jury the steps that had been taken by these Societies in sending Joel Barlow and John Frost to Paris, with an address to the Legislative Assembly. He had pointed out the strong and unequivocal language they had used on that occasion, which the Counsel for the prisoner had not even attempted to explain away; and he had drawn their attention in the answer of the Assembly, who seemed perfectly to know their character and their views—for the President addressed them by the title of Republicans and Brethren, and hoped that they should soon have to send an addresss of felicitation to the National Convention of regenerated England. That these things were most important in the consideration of the present case no man could doubt, since it went, among other things, to shew the character, views, and objects of these Societies. They evidently went to prove that their uniform and sole intention was to overturn

our happy Constitution, root and branch, and to establish in its room that anarchy which at least had not made the happiness of regenerated France. He next adverted to a letter to the Corresponding Society from a Club at Stockport, calling themselves the Friends of Universal Peace and the "Rights of Man"—for these Societies indulging in the most romantic views, and warmed by the wildest enthusiasm, formed to themselves the imagination of universal peace. If they would attend to what they meant by universal peace they would find it to be a peace obtained by a general representative system, which would fraternize the whole world, and make the interests of the governors and governed so inseparable that no grievances could exist but would be immediately redressed. The circumstance of this and other letters not being commented on by the learned and ingenious gentlemen who conducted the defence, must be a decisive proof, amounting to conviction, that they were conscious no defence could be offered. They should recollect that they were gentlemen of great talents and great knowledge; that the last gentleman who addressed them, though he had not the ornamental part of oratory in such high perfection as some others might, yet possessed talents, and knowledge in a very considerable degree, so considerable, as to entitle him to the character of one of the most eminent advocates. It was not then for want of talent, for want of attention, or of industry that no remarks had been offered them on this subject, but because the learned gentlemen had no ground on which they could stand.

He next desired they would pay attention to the letter from Norwich, which letter had been made the subject of debate in the Corresponding Society: this letter contained expressions which merited special notice, as containing a great deal connected with the cause they had to determine. It enquires whether the object of the Societies be a Reform upon the plan of the Duke of Richmond only, or whether their design was to rip up Monarchy by the roots, and establish Democracy in its place. They say the letters from Sheffield seem to be obscure, at first they seem to intend abiding by the Duke's Plan, and afterwards are contented with a moderate Reform, in concert with the Friends of the People.

The People at Manchester, by addressing Paine, seem to wish for a Democracy; here he observed, that they had been found fault with for attributing this intention to the prisoner, from his Address to Paine, when one of their own Societies had put the same interpretation on a similar address. This letter was read to the Society, and instead of answering so monstrous a proposal as that of ripping up Monarchy by the

roots with indignation, they had debated on the Letter with a sort of temper highly inconsistent with their professions of regard to the Constitution.

The Jury ought to notice the answer, which does not mention with any degree of resentment such indecent and traitorous expressions, but says upon that head, that it is the advise of the Society that they should not dispute amongst themselves upon Monarchy, Democracy, or Religion. The prisoner, therefore, when only conversed on the expediency of their being contented with the Duke of Richmond's plan, only followed the advice he had given to others of not disputing upon the monarchy.—

The Society approved of the French Convention, this he contended was good evidence of their intention to act in the same manner in England as the Convention had acted in France, and a clear proof of their determination to overturn the constitution of their country. He said their resolution was to assemble a Convention in this country which was to be a National Convention, in order that they might have a more direct communication with the French, and might be fraternized with them. This Convention was to assume all the powers of government. He begged they would attend to the conduct of the Society; they had conspired to raise a very strong party, in order more effectually to obtain the detestable purpose they had in view. So strong was the similarity between these people and the French, that he conceived the Jury could have no doubt in their minds of their intentions being the same; the reason of their not succeeding in this country, as well as in France, was, the different circumstances of the two countries—all government must depend on the public opinion.

In France the government had long lost the favourable opinion of the public; it was far otherwise in this country, whose government was safely lodged in the hearts of the people, whose boast and whose comfort it had been for centuries. They would not hesitate to suppose that men who attempted to destroy this opinion intended to overthrow the Constitution, and involve the country in ruin.—After many observations on the various papers which were in evidence before the Jury, he came to the complaints that had been made at various times on the abuses of government.—No doubt, he said, there were abuses in the government of this; gross and abominable abuses, which every good man would wish to remedy, for whatever situation a person might hold; there was still a higher obligation upon him; which was to do all he legally could do to remove abuses. In a religious view, what should a man give in exchange for his Soul? in a political view, what should a man give in exchange for his Liberty & riches digni-

ties, titles, honours, were nothing in comparison with this object. But all this must be done without any treasonable or seditious practices, and he maintained that the members of these Societies had views very different from remedying these partial defects ; he then proceeded to state that it was evident from the different papers in evidence, that the French, and all those who espoused their cause in politics, acted upon a spirit of enthusiasm, as the Papists formerly did on points of religion ; they acted on the idea that they alone were right, and that it was their duty to oppose all those who differed from them in opinion, and they were continually employed in making converts ; this precisely was the case with the French in their present politics ; they proceeded on the same principle of intolerance in politics as the Papists did in religion, and these Societies were parties with the French. They had not been content with publishing their sentiments, but they acted on them, for they had formed resolutions, and acted on them — they had formed resolutions, the direct tendency of which was to make this country a Republic, and that was their object ; and they followed this up with a resolution to accomplish it. He then read many of the resolutions of the Society, from time to time, and proceeded to give an account of the Constitution of France settled in 1789, which was certainly, at that time, more popular than any other Constitution in the world : it was a Constitution, however, in which the King had little, except that of a very large and enormous revenue, and some ornaments, that soon proved to be of but little use to him, and that Constitution fell because the King had not power enough under it. Having made many observations on this subject, he proceeded to observe on what was called prejudices in favour of government, and he maintained that the mass of mankind must always judge of government by prejudice, for as they must be employed almost the whole of their lives in procuring the necessaries of life, they had neither time nor abilities to form opinions for themselves ; they acted wisely in doing this ; for in this they followed the wisdom and the experience of the most enlightened of mankind ; and this would always be the case in every well-regulated state.—He then made many comments on the various pamphlets that had been written by different authors, and circulated by these Societies ; all of them, he said, in substance tended to inculcate the doctrine, that we had a bad form of government, particularly they seemed to level against two branches of the legislature ; and they all seemed to insinuate, that a full representation of the people in the House of Commons would answer all proper purposes : this, he maintained, was a proof, amongst many other things, that their object was to form in this Country a Republican system of government.—He proceeded next to give a history

of the Jacobins of France ; and maintained, that the conduct of those Societies was exactly similar to that of the Jacobins in France. [Here he read several of the addresses, letters, &c, of the Societies, in proof of his assertion.] He said, there could not be a doubt, but it was the intention of these persons to bring about a Republican form of government in this country : they had acted often on that idea, with a view of bringing it about, and that most clearly was High Treason.

He then proceeded to take notice of the proceeding of the London corresponding Society of the 20th of January, 1794, J. Martin in the Chair, and maintained that they were all of the same nature as those he had already commented upon, and there could be no doubt whatever of the tendency of the proceedings from the begining to the end ; the proceedings he again read. The next point to be taken notice of was the Convention at Edinburgh, a Convention, the proceedings of which were a mine of sedition, treason and rebellion. To illustrate this, he observed that if any man had proclaimed the Pretender at Edinburgh at the time of the meeting of that Convention, that would clearly be an act of High Treason of itself. The declaration of a Republican form of Government being to be established, was a proclamation of rebellion, for that was their meaning, for they said it would be brought about. This proved that their minds were bent on Treason, and he believed there would not be two opinions on that circumstance among those who attended to their proceedings. He then gave an account of the toast that had been given in a company of some of these Societies, and he observed that although the subject might be treated with levity, yet it should be recollecter that such circumstances had always been deemed fit matter of evidence on State trials, and that for best reasons, for men in convivial hours, in company with their friends and connections, were generally sincere, and it was in such situations that we were to find out what was passing in their minds, and that became material in the cause; for the intention of the party was the great thing to be decided upon. He would not repeat all these toasts, as they had been read in evidence, he should repeat only one of them.—“ *All that is good in every Constitution, and may we never be superstitious enough to reverence in any that which is good for nothing.* ”

This, he maintained, was a very unworthy sentiment, for it tended to insinuate that we could not have any reverence for our own Constitution without superstition ; this also proved what was passing in the minds of the company who had drank it—a contempt for the Constitution and such persons must be deemed to have wicked intentions against the government of the country. It was apparent also from the letters of the Prisoner that he had expressed his wishes for establishing a

Republican form of Government ; and he had expressed hopes of seeing a completion of his wishes. By establishing a Republican form of Government, he must have meant to have hostile wishes with regard to the King—this was also a treasonable intention. The parties in this conspiracy entered into Resolutions together, and these Resolutions being examined, would be found to amount to a full proof that the intentions of the party were treasonable beyond all doubt. Another circumstance was to be taken notice of upon this trial. Temporary convenience made it necessary that a certain number of Hessian troops should be landed here ; these Societies thought proper to enter into Resolutions upon that subject, condemning it as an unconstitutional measure ; they declaimed against it, and clamoured ; endeavoured to create an alarm. What was this intended to produce ? Discontent in the minds of the People. For what purpose ? To prepare the minds of the people to revolt. Having proceeded in this manner, until they thought the minds of the People were to a certain degree irritated, they then agreed to hold another Convention similar to that which met at Edinburgh. The place of its meeting was to be a secret. What was to be inferred from this ? In his opinion is amounted to a demonstration that their intention was not honest : the whole Society who bore a part in this transaction, must have a hostile intention to the Government of this country. The letter of the Prisoner of the 4th of May, 1794, in evidence before the Jury was a proof of what he thought upon the subject ; for it expressed explicitly what ideas he had formed, in which he had said he looked forward to the glorious reign of Liberty and Equality. He then proceeded to take notice of the proceedings at Sheffield, which, he said, clearly demonstrated the intentions of the parties to be treasonable. Mr. Yorke himself seemed to disapprove of the convention at Edinburgh, and declined to attend it, not because he disapproved of the principle on which it was formed, but he thought they had not prepared the minds of the public to regard them in the character of a Convention of the People, and for want of that preliminary caution they failed to produce the effect for which their institution was intended. He then proceeded to take notice of Mr. Yorke's speech, at the Castle-hill at Sheffield, and to comment on its inflammatory tendency, and maintained that this was another incident in furtherance of the plot which had been formed for creating in the minds of the people discontent and disaffection towards Government. He took notice also of the letter of Mr. Skirving, of the 5th of July, 1793, which explained clearly the meaning of the parties to be hostile to Government ; this letter proved he said, there was a civil discord in the minds of the parties, a long time before the letter was written. With regard to the evidence of the knife that had

made a part of this prosecution, he was ready to allow that was rather a trifling circumstance, and therefore the Jury, if they pleased, would put it out of their consideration; but the whole of the evidence taken together, he was confident, was conclusive upon the case now before the Jury. Sir John Mitford then said he felt himself so much exhausted (having spoke six hours, in which he went over all the evidence in the cause) that he was unable to say more, and was compelled to leave untouched many topics which he intended to submit to the consideration of the Jury. He could only say, that to the utmost of his power he had done his duty; and he trusted the Jury would do theirs. It was a hard task to press against a man in a case the event of which might be the determination of his life. They were to judge of him according to evidence. If on the fullest investigation of the cause, the Jury could find themselves justified in acquitting the prisoner, he knew they would do it with joy. If they found themselves bound to give a contrary verdict, bitter as the case might be, they had a solemn duty to perform, and they must perform that duty. He had had a duty difficult to his feelings to perform; having gone through it as well as he could, he would not trouble them any longer.

The Court and Jury then withdrew for an hour for refreshment.

*Chief Justice Baron Eyre* proceeded to sum up the evidence. Gentlemen of the Jury, this Prisoner stands indicted for High Treason, in compassing and imagining the King's death. The indictment contains nine counts or overt acts. Of these are, first—conspiring to levy war against the King—secondly, preparing arms for that purpose. Three others are, first, conspiring to subvert the Government—secondly, sending letters, and preparing arms for that object. The four other overt-acts relative to the assembling a Convention, the first of which is—concurring to call a Convention—the second, publishing books, letters, and pamphlets, in order to induce his Majesty's subjects to send Deputies to the same Convention—the third, meeting, consulting, and deliberating how, when and where this Convention was to be held—the fourth, the appointing Jeremiah Joyce, John Augustus Bonney, &c. to meet and co-operate towards the calling and assembling such Convention. You will attend only to the evidence necessary for the establishing one of these acts; the general effect of the whole will come afterwards to be considered. The Chief Justice then went on to sum up the evidence in the order in which it had been brought forward; and began with advertizing to the witness from Sheffield, Cramage and Broomhead. In the course of his statement, he ordered the Clerk to read to the Jury the Address to the people, and the Petition to his Majesty, which had been voted on the Castle-

hill. As to the general libelous tendency of the address, he remarked that it was not very much to the purpose. There was one expression in the Petition which deserved to be remarked; mention is there made of "the impending storm," but what was the application to be given to this phrase, taken along with the date, was matter of fit consideration for the Jury. The whole of this printed paper had been very much relied on by both sides, and had received very different constructions from the Counsel for the prosecution, and the Counsel for the prisoner. Its importance arose not so much from the other extravagances which it contained, as from one Resolution, "That they would petition Parliament no more."

It was evident, therefore, that they meant to take some other course in order to obtain their object. What that other course was, it remained for the Jury, taking it in the chain of evidence along with the time at which the Societies had in agitation their plan of a Convention, to determine. The next witness to whom he adressed was Henry Alexander, whose testimony, from the manner in which it was given, was not entitled to much credit, and upon which indeed nothing material depended. All that could be gathered from him was, that he had been present at a meeting where Yorke, who was then on the eve of going abroad, talked extravagantly.—Thomas Whitehall confirmed nothing. The testimony of the next witness, George Widdison, suggested one remark. This was the first witness who had talked of a Reform of Parliament, and stated his sentiments upon the subject, which he professed to have borrowed from those of the Duke of Richmond. And this ought to afford an important lesson to all men of rank and property, how they committed their sentiments to the public upon such subjects, since they there gave to others the power of dispersing them to an unlimited extent, and hazarded the mischief that might be produced by their falling into the hands of those who were either not qualified to understand them, or not disposed to draw from them proper conclusions.

Henry Hill, who was next examined, among other things stated, that there were ten thousand persons present at the meeting on the Castle Hill, at Sheffield, who expressed their approbation of the proceedings which many of them could not hear, and this no doubt was the way in which very frequently the approbation of so great a multitude was obtained to proceedings with which they were entirely unacquainted, or which, if they knew, they were not qualified to understand. The witness knew not that a motion for a Petition to Parliament had previously been agreed to be rejected by the Junto, which gives one an excellent idea of what sort of a thing a debate is conducted in such an assembly. John Edwards

proved that he had received from Baxter that infamous paper ! " *The Guillotine*," which he ordered the Clerk to read. This, he said, was a most infamous and detestable paper. The allusion contained in it was too obvious to require to be pointed out. But whether it ought at all to be interwoven with the Indictment, or allowed to have any weight in the charges against the Prisoner, was for the Jury to consider. The witness did not think that Hardy had ever seen the paper, or that if he had seen it, he would have approved of its contents. One material circumstance which appeared from the evidence of this witness was, that Hardy had received the letter from Sheffield relative to the pikes, and had so far acted upon it as to have communicated to the witness the direction where he might furnish himself. The next witness, Samuel Williams, spoke only to the subject of guns. He had given Hardy an order for boots and shoes, who in return had found customers for three or four of his guns; thus far the transaction was merely in the way of trade and mutual accommodation, and could reasonably fix no imputation upon Hardy.—But it appeared afterwards that Hardy had recommended him to Franklo's Association. The private and clandestine way in which this Association met to exercise, and the manner in which they shifted about from one place to another, warranted at least a suspicion, that they were conscious that they were engaged in no good purpose. From this recommendation, it was evident that the nature of this Association was not unknown to Hardy; but what were their designs; how far the Prisoner might be implicated in them, were question fit for the consideration of the Jury. Edward Gosling had stated an expression to have taken place in the Society, which was certainly a very strong one, " that they would arm to support their Convention as the French had done." If the Convention, which it had been so much contended was to have met in a legal and peaceable manner, were to have been supported in their proceedings by an armed force, it gave indeed a new complexion to the business.—At the same time it was to be recollect what degree of credit was due to a witness of this sort, who was professedly employed as a spy, and whose character was by no means the most unexceptionable; were there not objections to his credit, his testimony would be very important indeed, as it would serve to mark a determined purpose against the King and his family. He had ascribed to Baxter, language so very imprudent, as could scarcely have been supposed to be used. His evidence was to be received with great caution. John Groves was a witness, whose veracity was still more directly impeached. The Chief Justice ordered a letter from Stockport to be read, dated 5th January, 1794, the whole of which he affirmed to be inflammatory, but particularly the last paragraph. This was followed by read-

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ing a song full of seditious matter, which had been found among Hardy's papers. The Chief Justice observed that it had very fairly been taken notice of by the Counsel for the Prisoner, that he, being a Secretary of a Society, was exposed to receive all sorts of papers, and could not be responsible for their contents. The circumstance of improper papers being found in his possession, might only afford an indication of imprudence, and it remained for the Jury to determine how far that, taken in connection with other circumstances, ought to attach a charge of criminality. The Chief Justice then proceeded to remark on the evidence of Lynam, and the evidence brought from Scotland, relative to the conspiracy of Watt and Downie, from any share in which he seemed to consider the Prisoner as completely exculpated. He then adverted to the papers found in the possession of Martin and Thelwall, which, whether they were allowed to affect the Prisoner or not, proved at least the existence of very dangerous designs, and that the minds of some of those with whom he was connected, were infected with a degree of violence, the probable effects of which he shuddered to contemplate, and with a wickedness which it was almost impossible to believe. He then went over the witnesses that had been brought to prove the Prisoner's private character, and the moderation of the political sentiments of the Prisoner, shortly remarking on the evidence that had been given by each.

The Court then adjourned at half after eleven o'clock.

*Wednesday, Nov. 6.—Eighth Day.*

At nine o'clock this morning the Court sat, and the Lord President of the commission proceeded as follows, in continuation of his charge to the Jury.

Yesterday, Gentlemen, I went through the whole parole evidence, except a report of the House of Lords, which was read to you as evidence in favour of the prisoner; some arguments might be made use of from this on the part of the prisoner, or shew his honest and upright intentions.

I am now to say to you, gentlemen, that this cause, which is a very important and momentous one, is at length brought near its conclusion: it must be a satisfaction to every honest man, that it has been conducted with so much temper on all

sides, and that there is a reasonable prospect your minds may have been sufficiently informed to give a verdict satisfactory to your own mind, and of course satisfactory to the whole country.

It is extremely pleasing to me, as great a satisfaction indeed as a man can feel, who has so painful a duty to discharge, that in this cause there can be no possible hazard of our being entangled in any difficulties of law. Your verdict will not proceed on any narrow or technical grounds. The overt-act is in substance, that the prisoner had conspired to depose the King ; this has been always considered as an overt-act of compassing and imagining the King's death, and as a known presumption of treason, by all writers on the subject.

There's no question whether the compassing and imagining the King's death were the primary intention of the person concerned, conceived by him previous to any step for deposing the Sovereign. The deposing is a presumption of law, and that only because it is a strong presumption of fact, so strong indeed, that no reasonable man could entertain a single doubt on that head. I will waste no time in the discussion of such a question ; the answer is too obvious to need it.

A great deal has been said on the subject by the Counsel for the prisoner ; but they were not able to controvert the position which I have just told you is undoubtedly law. I must agree with those learned gentlemen, that no prisoner ought to be convicted otherwise than *proverbially* ; the evidence must be plain and convincing. I avoid using the word direct, lest it should entangle you in a difficulty, where sufficient proof arises from a chain of convincing circumstances—The short state of the question is this : was the prisoner at the bar proved to have conspired to dethrone the King, and for that purpose did he, with others, contrive the establishment of a National Convention ? I begin with stating, that I think it ought to be conceded to the prisoner, that he did set out originally on the plan of the Duke of Richmond for a parliamentary reform, upon the grounds of Universal Suffrage and Annual Parliaments. I think it will be incumbent on those who conduct the prosecution to prove that the prisoner, and those who were concerned with him, irritated by their own feelings of grievances, or by the example of France, had departed from it, and entered into views of a different nature ; that they had extended their designs to other objects, not very far removed from the original one ; and this is the reason that the publication of such as the noble Duke's becomes dangerous ; for the object I mean is the substitution of a pure democracy by a representation of the people only, which is there expressed by the word full and free representation. in the mass of evidence which has been laid before you, there are parts to be found, not very numerous, which are to be

submitted to your consideration, as grounds from whence the prosecutors have drawn their conclusion, and for which they are to support the assertion, that the prisoner is guilty of the crime of compassing the King's death.

The parts I particularly refer you to are those passages which mark the conduct of these persons in the course of the year 1792, in their Address to the French Convention; afterwards the Address itself should be attended to; then should be considered their subsequent conduct down to the time when the British Convention was dispersed at the end of the year 1793, and the project of a Convention, in the beginning of 1794.

The Delegates are instructed, on the part of this Society, to assist in bringing forward and supporting any constitutional measures for procuring a real Representation of the Commons of Great Britain in Parliament. That in specifying the redress to be demanded of existing abuses, the delegates ought never to lose sight of the two essential principles, General Suffrage and Annual Representation, together with the unalienable right in the people to Reform; and that a reasonable and known compensation ought to be made to the Representatives of the Nation, by a national contribution.

That the Delegates do punctually correspond with the Society, for the purpose of communicating information, and of receiving such further instructions as the exigency may require.

Every thing done by the British Convention is completely brought home to the Society, by the unqualified approbation of their conduct.

His Lordship then said, I should state to you, that it is evident that those popular Societies had, in the beginning of the year 1793, so conducted themselves as to excite a question concerning their conduct before their Address to the Convention. You must recollect that a Society, calling itself the Friends of the People, consisting of men of rank or weight in the State, had refused to correspond with the Constitutional Society, and had exhorted the Sheffield Society in vain to make an explicit declaration of their attachment to the Government, as established by law.

One of these Societies had gone so far into Republican opinions, that the Society at Stockport put the question directly to know whether the House of Lords would satisfy their desires, and whether the Bishops, a part of that House, would grant that liberty of conscience they wished.

The Society at Norwich put the question more openly, and in a manner which could not be mis-understood; their question was, Whether the Societies intended to rip up Monarchy by the roots, and put Democracy in its place? The Society

suspected that these letters were intended as a snare, and this put them upon their guard; they answered the letters. One might reasonably have expected that men, who adopted the Duke of Richmond's plan with sincerity of heart, would when so called on, have most distinctly avowed their plan, in terms admitting of no qualification or doubt.—They would have avowed their adherence to the King and Queen, and their attachment to the Government of King, Lords, and Commons, as by law established; they would have left no doubt, or appearance of doubt, concerning their opinions on these subjects. The answers to these requisitions shall be read to you, not that I think that in a case of this nature much stress should be laid on particular expressions. God forbid the life of any man should rest on words hastily spoken.

You may often, in my opinion, even give a too strict interpretation of actions; but sometimes words may be too explicit, and actions too plain for any man to misunderstand. See, Gentlemen, if they avow any attachment to the Government of the Country, as established by law, in these papers. Many critical observations have been made on the expressions contained in these documents: it is for you to judge what is the proper force of them? such as strike your minds clearly and distinctly are probably well founded; if they require much difficult investigation and minute inquiry to convince you of their propriety, I think they do not merit your attention; you will only entangle your minds, and not be able to discover the general application to the case. One observation I feel myself obliged to make on their answer to the Society at Stockport. In this they inform that Society, that they have resolved on an Address to the French Convention; and then follows this extraordinary passage—"Without entering into the effects of such a measure, which you will discover, we invite you to join us.

Now, Gentlemen, what were these effects, and why did they not avow the whole of their object in terms admitting of no possible equivocation or doubt? Afterwards they did address the National Convention, and it is found that the London Corresponding Society took an active part in the measure. They had informed the Constitutional Society of their design, which declared their approbation of such intention, but refused to join in the same address which had been sent them, and chose to address separately. In the addresses, he said, to the National Convention, one might observe the language of determined Republicans, who were going out of their way to express their zeal.

Mr. Frost and Mr. Joel Barlow had presented the Address to the Convention, and they hoped that the time was not very tardy when felicitations might be sent across the Channel.

to a National Convention in England. He would not make any observations on the persons who had used this language, except as far as it was connected with the prisoner at the bar. The approbation given to those gentlemen, by their principals, bound them; though it would not be so, if that positive approbation had not been given. Had they been dutiful and loyal subjects who had used these expressions, they would have been entitled to a fair and candid exposition: but if, on the contrary, their principles were different, their conduct must be referred to them.—His Lordship took notice of the approbation given to the writings of Paine and Barlow, which the Societies had dispersed with great industry. What could have been their motive in this? If they intended nothing but speculative discussion, they might have said that they did not intend any thing against Government, or the Privileged Orders in this country. Much mischief had been done in alienating the minds of his Majesty's subjects. There certainly was nothing in the publications that did away any part of the cargo, whatever weight they might be supposed to have on the other side. The abundance of licentious publications sent into the world by those Societies, was another feature in the case. They were likely to irritate the people's minds. A good subject should be careful and cautious, what, in pursuing a redress of grievances, he did nothing to over-turn the Constitution of the Country. Hardy's letter to Skirving ought to be particularly attended to. It was in answer to one written by Skirving, to the following effect:

“ If we sought only the extirpation of one set of interested men from the management of national affairs, that place might be given to another set without affecting the vitals of the system adverse to Reform; this might be easily accomplished; but to cut up wide and deep-rooted prejudices, to give effectual energy to the dictates of truth in favour of public virtue and national prosperity, in opposition to self and all its interested habits, and to withstand and overawe the final efforts of the powers of darkness, is the work of the whole and not of a part—a work to which mankind, till this awful period, were never adequate, because, never, till now, disposed to fraternize.”

“ Let us begin in earnest to make up our minds relative to the extent of Reform which we ought to seek, be prepared to justify it, and to controvert objections. Let us model the whole in the public mind. Let us provide every stake and stay of the tabernacle which we would erect; so that when the tabernacle of oppression in the palaces of ambition are broken down, under the madness and folly of their supporters, we may then, without anarchy and too dangerous delay, erect at once our tabernacle of righteousness.”

This seemed to point out pretty plainly Mr. Skirving's intentions; Hardy was not surprized with the correspondence and therefore it would have its due weight in the minds of the jury. His Lordship thought there were great doubts of the sincerity of the application of the London Corresponding Society to Parliament for a Reform; they seemed rather to wish to agitate the public mind by the discussion of the subject. When, in the British Convention, there had been a motion for petitioning Parliament, it was set aside by the order of the day. Here then they laid aside the original purpose of the meeting; they also assumed an extraordinary solemnity; they began every day's business with a form of prayer. They divided themselves into Seditious Committees, &c. after the model of the National Convention of France, and dated their proceedings from Convention Hall, sometimes first year of the Convention, one and indivisible.

One of the immediate consequences of this dispersion was an intention openly avowed the Societies of assembling another British Convention in England. At this time, if their views had been good, if they felt as dutiful subjects would feel, apprehensive of exciting the people against the government and of occasioning mischief, they wou'd have made an express avowal, that they wanted nothing more than Parliamentary Reform, and an express disavowal of the seditious and illegal purposes which had been imputed to them. Every thing inflammatory would have been most carefully avoided. But the jury would see what was their conduct on this occasion, from the following papers. Then the resolutions of the Globe Tavern were read; and passages from the Address to the People of Great Britain See page: 30, 31, 32, 33.

Of the very dangerous tendency of this paper, there could be, his Lordship observed, no manner of doubt. It would make an impression upon them, but he hoped not an unreasonable one. They were called upon, with respect to this paper, to judge between the King and the Prisoner at the bar. They would judge whether their real object was a fair, free, and full Representation of the People, or the destruction and subversion of the Government—whether they intended this paper as a paper of advice, or as their public manifesto and appeal to the People against the Government.

The Lord President observed, they had already been read three or four times. He then proceeded to the time of calling the Chalk Farm meeting. It was never he said, too late to retract one's errors. This Society had it now in their power to do so, if they had the inclination. Their Resolutions would shew how they had acted. This last meeting, his Lordship observed, was intended to have been held in Great Room Store-street, Tottenham-court-road. The Resolutions were very

violent. If the Jury attended, they would find that the Society now thought the crisis had arrived when the compact between the people and the Government was broken. Why this meeting had been convened at all it was difficult to conceive ; had they thought of retracting any violent or improper Resolutions they had entered into, such meeting would have been a proper thing ; but if it appeared that these new Resolutions were a second manifesto, intended to impress on the public mind that a force was ready to protect a Convention, and that Government was no longer entitled to their obedience, then the meeting and its resolutions would wear a very different complexion. If these latter Resolutions were intended to follow up those which had been entered into at the Globe Tavern, it was hardly possible, from the terms of them, that any degree of enthusiasm could prevent the authors of them from seeing their tendency. It was evident that these Gentlemen considered the sword of the law suspended over them by a single thread. They directed 200,000 copies of their Resolutions to be circulated, and consequently they appeared desirous that number of persons, or as many more as shou'd happen to read their papers, should assist in their views. —Their appealing to the supreme Law, the safety of the people, admitted, he thought, but of one interpretation ; for, considering this sentence in its relation to the context, the people were informed that they had been betrayed, and that they must now look out for themselves. The 8th and 10th Resolutions glanced at the house of Lords and the Crown. On the part of the prisoner, it had been said, that these persons were dutiful and loyal subjects of his Majesty, and that they had provided arms for no other than constitutional purposes. This was the defence, and the jury would consider whether it was true, not forgetting that it was made by the persons who addressed the National Convention of France, and who had agreed to all the other Resolutions of which they had heard.

His Lordship made a few remarks on the Sheffield Meeting, on the Castle Hill, conducted by Mr. Yorke. He said, that though a multitude of names appeared to all those Resolutions, there is every reason to believe that but a very few were engaged in the depth of the criminal project. This assemblage was said to have consisted of 6000 people, and, perhaps, no more than 200 were acquainted with the promulgation of the resolution, that Parliament should be petitioned no more. It would not be perfectly fair to put a construction on this resolution unfavorable to the Society, if they had not given their reason for it, viz. that they were not represented in Parliament. This objection would always apply to the House of Commons while it remained in its present state. The weight of this part of the evidence arose from a comparison with the other parts of the conduct of these Societies ; by which it appeared that it was their design to

establish a Government by Popular Representation. It was said by one of the witnesses, that in a conversation between Margarot and others, while the prisoner was present, that Margarot asked, Do you wish to introduce French principles here? The answer was in the affirmative.

This might, perhaps, go to the extent of the whole proposition asserted by the prosecutors. The preparations for arming to defend the Convention did not look well. Every thing ought to have been conducted by that Convention in a peaceable manner, and therefore there would be no need of arms. With respect to the expressions of Baxter, they appeared to be connected with the whole transactions of these Societies. The Jury would, from all these circumstances, consider whether the Prisoner had any part or share in a conspiracy for subverting the Constitution, that is, of deposing the King, which amounted to an overt-act of compassing his death. In the performance of this duty, they were not to consider the impression which the evidence might be supposed to have made upon his mind. They would allow to the Prisoner every thing that was favourable. He did not appear to have been the leader of the Societies, but he had been a very active member in both the Societies. If the general impression of the case was right, there was no doubt with regard to the connection which Mr Hardy had with them. On the part of the Prisoner, it had been stated, that the providing of the arms had not been in any manner connected with the Convention intended to be assembled. The two circumstances were in some measure, but not wholly connected. It was also stated, that the Prisoner was, a plain, good, honest, man, and a Friend to the Constitution of his Country.

The *Lord President*, after having commented on the Duke of Richmond's letter, observed, that the peaceable conduct of the persons belonging to these Societies was not a sufficient evidence of the innocence of their intentions, when it appeared that they had sent about publications of a contrary tendency. It had certainly been proved, by a crowd of witnesses, that the Prisoner was a moral, religious, and good man, and that his private character was excellent and amiable; but it was likewise evident that he was an enthusiast. Such was the case with the enthusiasts of the first century, who were mentioned on the preceding day by the Solicitor General. Those Monarchy men, as they were called, might have been moral and religious men, but they were likewise enthusiasts, and their religion might have led them to acts of High Treason. The enthusiasm of the Prisoner might have got the better of his judgment, and have had the same tendency.

Upon all these points and statements his Lordship desired the Jury to exercise their judgments; and requested them not to pay any more attention to the observations that fell from him, than

as far as they related to the particular points which went to constitute the crime charged in the Indictment. One great object was answered by the present prosecution, which was, that it satisfied the Country as to the fairness and impartiality with which it was conducted.

The Jury asked his Lordship's Permission to have a copy of the indictment.

The LORD PRESIDENT consented to give it, but at the same time observed, that it was not strictly regular.

The Jury withdrew at five and thirty minutes after twelve; and between three and four o'clock returned with a verdict,

NOT GUILTY.

The LORD PRESIDENT then thanked the Jury for their diligent attendance on so long and arduous a trial; and gave directions that the prisoner be immediately discharged.

THE END.

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\*\*\* *The Trial of Mr. JOHN HORNE TOOKE, and the Rest of the Prisoners, will be printed in the same Manner as this, and published in daily Numbers, Price only Three Pence.*

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